Title 22 of the

Marin County Code

Zoning

Revisions to December 1989

$15.00

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 3101

AN ORDINANCE OF THE BOARD OF SUPERVISORS ADOPTING AMENDMENTS TO TITLE 22 OF THE MARIN COUNTY CODE (THE ZONING ORDINANCE) PERTAINING TO DEFINITIONS FOR "HANDICAPPED," "RESIDENTIAL CARE FACILITY" AND "GROUP HOME" AND USE REGULATIONS FOR RESIDENTIAL CARE FACILITIES AND GROUP HOMES

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SECTION I: FINDINGS.

I. **WHEREAS** the Marin County Board of Supervisors held a public hearing on August 11, 1992 to consider amendments to *Title 22 of the Marin County Code* (the Zoning Ordinance), Chapter 22.02, Definitions, and Chapter 22.68, Use Regulations; and

II. **WHEREAS** the Marin County Board of Supervisors finds that the proposed amendments are necessary to bring *Title 22 of the Marin County Code* fully into compliance with provisions of the federal Fair Housing Amendments Act of 1988; and

III. **WHEREAS** the Marin County Board of Supervisors finds that public necessity, convenience and general welfare do require these amendments to *Title 22 of the Marin County Code*; and

IV. **WHEREAS** the Marin County Board of Supervisors finds that the proposed amendments are consistent with code provisions of *Title 22 of the Marin County Code* and the goals, objectives and policies of *The Marin Countywide Plan*; and

V. **WHEREAS** the Marin County Board of Superviosrs finds that the proposed amendments are categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15308 of the State Guidelines because these amendments constitute an action by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

SECTION II: AMENDMENTS TO TITLE 22.

NOW, THEREFORE, LET IT BE ORDAINED that the Board of Supervisors of the County of Marin hereby adopts the following amendments to *Title 22 of the Marin County Code*:

Add New Marin County Code Section 22.02.355, Definition for "Handicapped," to read as follows:

22.02.355 Handicapped. "Handicapped" means a person with: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

Add New Marin County Code Section 22.02.590, Definition for "Residential Care Facility," to read as follows:

22.02.590 Residential Care Facility. "Residential care facility" means a family dwelling unit licensed or supervised by any Federal, State, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. For the purposes of this definition, a "family dwelling unit" includes, but is not limited to, a single-family dwelling, a unit in a multi-family dwelling, including a unit in a duplex and a unit in an apartment building, a mobilehome, including a mobilehome located in a mobilehome park, a unit in a cooperative, a unit in a condominium development, a unit in a townhouse development, and a unit in a planned district.

Add New Marin County Code Section 22.68.090, Use Regulations, Residential Care Facility, to read as follows:

22.68.090 Residential Care Facility. Notwithstanding any provision of this title, a residential care facility shall be a permitted use in the following zoning districts: A, A-2, R-A, R-R, R-E, R-1, R-2, R-3, R-3A, VCR, ARP, APZ, RSP, RSPS, RMP, RMPC, RF and RX. Two or more residential care facility dwellings or buildings occupying a property in one ownership shall be permitted, subject to the securing of a use permit or subject to the approval of a master plan where required.

Add New Marin County Code Section 22.02.335, Definition for "Group Home," to read as follows:

22.02.335 Group Home. "Group home" means a family dwelling unit licensed or supervised by any Federal, State, or local health/welfare agency which provides 24-hour nonmedical care of unrelated persons who are not handicapped but are in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. For the purposes of this definition, a "family dwelling unit" includes, but is not limited to, a single-family dwelling, a unit in a multi-family dwelling, including a unit in a duplex and a unit in an apartment building, a mobilehome, including a mobilehome located in a mobilehome park, a unit in a cooperative, a unit in a condominium development, a unit in a townhouse development, and a unit in a planned district.

Add New Marin County Code Section 22.68.100, Use Regulations, Group Home, to read as follows:

22.68.100 Group Homes. Notwithstanding any provision of this title, a group home shall be a permitted use for up to six persons in the following zoning districts: A, A-2, R-A, R-R, R-E, R-1, R-2, R-3, R-3A, VCR, ARP, APZ, RSP, RSPS, RMP, RMPC, RF and RX. A group home for seven or more persons is permitted, subject to the securing of a use permit. Two or more group home dwellings or buildings occupying a property in one ownership shall be permitted, subject to the securing of a use permit or subject to the approval of a master plan where required.

SECTION III: EFFECTIVE DATE.

This Ordinance shall be, and is hereby declared to be, in full force and effect on September 10, 1992 and shall be published once before August 26, 1992, with the names of the Supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

SECTION IV: VOTE.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 11th day of August, 1992, by the following vote to-wit:

AYES: Supervisors: Brady Bevis, Bob Roumiguiere, Al Aramburu, Gary Giacomini, Harold Brown

NOES: Supervisors: -----

ABSENT: Supervisors: -----

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

ATTEST:

Thomas F. Campanella
Clerk of the Board

ORDINANCE NO. 3186

ORDINANCE AMENDING CHAPTER 1.05 OF THE COUNTY CODE RELATING TO PENALTIES AND ENFORCEMENT

The Board of Supervisors of the County of Marin ordains as follows:

SECTION I Section 1.05.030 of the Marin County Code is hereby amended to read:

Marin County Code Violations — Civil Penalties — Hearing Officers.

A. Any person who violates any provision of the Marin County Code, Shall be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars ($2,500.00) for each violation. After any person has been given notice that any act or failure to act is a violation of the County Code, it shall be a separate offense for each and every day during any portion of which that person knowingly commits or permits additional acts constituting a violation of that provision of the Marin County Code.

B. Any person who constructs or converts or allows a structure to be used for human habitation without a building, development or use permit required by any provision of the Marin County Code shall be liable for a civil penalty in the amount of any rent received from any person occupying the illegal structure, or, in the alternative, in the amount of the reasonable rental value of the structure from the date of its construction or conversion or initiation of use.

C. Any person violating any of the provisions of this Code shall be liable to pay the County's total costs of enforcement, including charges for attorney's fees.

D. The Board of Supervisors shall provide one or more hearing officers to conduct hearings, to issue subpoenas, to receive evidence, to administer oaths, to rule on questions of law and the admissibility of evidence, to prepare a record of the proceedings, to issue enforcement orders with regard to violations of the County Code or of specified chapters of the County Code, and to provide for the recovery of enforcement costs, any civil penalties, and any other costs of abatement as a special assessment against the property on which the violation(s) occurred or as a personal obligation of the person committing or permitting the violation(s). Written notice of the hearing shall be provided at least fifteen (15) days prior to the date of the first hearing. This written notice shall be given in accordance with the provisions of Section 1.04.190 to the person or persons alleged to have violated the County Code, and to any other person known to own or possess the property.

SECTION II Section 1.05.040 is hereby amended to read:

The notice will provide the time, date and location of the hearing. It shall also state the County Code provisions alleged to have been violated; a description of the property on which the alleged violation has occurred, including the parcel number used by the Assessor on the current roll; the name and address, if known, of the person alleged to have committed or permitted the violation(s) and of the property owner and other person, if any, in possession of the property; the estimated costs of enforcement, other abatement costs, and civil penalties proposed to be made as a special assessment against the property and collected on the tax roll or to be collected as a personal obligation; and the name, address, and telephone number of the department or agency issuing the notice to which protests, or objections, or other communications may be directed. A second hearing shall be held to consider the enforcement orders to be made, unless the hearing officer determines at the first hearing that either no violation has occurred or that the matter may be concluded at the first hearing.

FORM OF NOTICE:

NOTICE TO ABATE NUISANCE

The owner(s) and occupants of real property described on the latest equalized Marin County tax roll as A.P. No. _____ and having a street address of _____ is (are) hereby notified to appear before a Hearing Officer of the County of Marin at _____, on _____, at the hour of _____ __. m. to show cause, if any there be, why the use of said real property should not be found to be a violation of and abated pursuant to the Chapter 1.05 of Marin County Codes. After hearing, if a violation is found to exist, the cost of abating such violation, including, but not limited to the cost of the hearing officer, the cost of prior enforcement efforts, the cost of all staff time and expenses associated with bringing the violation to hearing, the cost associated with any appeals from the decision of the hearing Officer, the cost of judicially abating the violation, the cost of staff and material necessary to physically abate the violation, and the cost of securing expert and other witnesses will become a lien against the subject property and also assessed against the property in the same manner as taxes. The estimated costs at the time of this notice is $_____. The civil penalties to be assessed are $_____. The abatement lien to be recorded shall have the same force and effect pursuant to a money judgment obtained in a court of law. If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later

judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

In preparing for such hearing, you should be aware that after an initial presentation by county staff you will must prove that the violation(s) do not exist. In this connection, you should be prepared to introduce oral and documentary evidence proving why, in your opinion, the property is not in violation of the Marin County Codes. A copy of the County's procedural rules and ordinance relating to abatement hearings are enclosed to assist you in the preparation of your presentation.

If the hearing officer finds that a violation exists on the property this will result in an administrative decision ordering the abatement of the conditions on your property which are found to be in violation of the Marin County Codes and may also result in a later judicial order to the same effect. If the hearing officer finds that your property is in violation of the County's codes, the County will contend that you are bound by such finding in any subsequent judicial action to enforce the hearing officer's order.

IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO APPEAR AND RESPOND AT THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND JUDICIAL ABATEMENT AND TERMINATION OF CONDITIONS ON YOUR PROPERTY WHICH THE COUNTY STAFF CONTENDS ARE IN VIOLATION OF THE MARIN COUNTY CODES.

COUNTY OF MARIN

DATED:_____ By_____

Enclosure: County Procedural Rules and Abatement Ordinance.

SECTION III Section 1.05.050 is hereby amended to read:

HEARING

(A.) At the time stated in the notice the hearing officer shall hear and consider all objections and protests.

(B.) In conducting the hearings, the hearing officer shall give weight to the administrative interpretation of an ordinance provision by the

department charged with its enforcement unless that interpretation is shown to be clearly erroneous or unauthorized.

(C.) At the conclusion of the hearings held on the alleged violation(s), the hearing officer shall have the authority to render a decision, supported by written findings, which:

1. Determines whether the alleged violation(s) of the County Code have been committed or permitted by the person given notice;

2. Orders the payment of the total amount of the County's enforcement costs and other abatement costs by any such person found to have committed or permitted the violations;

3. Orders the payment of civil penalties to be paid by any such person found to have committed or permitted the violations;

4. Orders action to be taken to correct any violations by any such person found to have committed or permitted the violations.

5. Determines whether any enforcement costs, other abatement costs, and civil penalties are to be made a special assessment against the property on which the violation(s) occurred and collected on the secured tax roll, or are to be the personal obligation of the person committing or permitting the violation and collected on the unsecured tax roll.

(D.) In determining the amount of civil penalties to be assessed against any person violating a provision of the County Code, the hearing officer shall take into consideration the following:

1. The extent to which the person had knowledge or reasonably should have known that the action taken was a violation of the County Code;

2. The magnitude of the violation;

3. The extent to which the person derived a financial benefit from the violation;

4. Any prior history of related violations by the same person on the subject property or on other parcels within the County;

5 Any corrective action voluntarily undertaken by the person prior to the hearing to eliminate the violations, and any other mitigating circumstances justifying a reduction of the amount of the penalties.

(E.) The authority of the hearing officer to impose civil penalties is limited to a maximum of twenty—five hundred dollars ($2,500) per violation, and a total of ten thousand dollars ($10,000) for related multiple violations on a single parcel of property by any one person within any one calendar year.

(F.) The decision of the hearing officer shall be final when issued in writing, within 15 days of the hearing and shall be enforceable ninety days after the decision, unless a stay of execution is issued by a Court of competent jurisdiction. However, an order for corrective action shall be enforceable immediately if the hearing officer determines and makes the finding that immediate action is necessary to protect the public health and safety. The decision of the hearing officer shall include a statement of the appeal rights of any party to the proceeding as set forth in paragraph G. below.

(G.) The provisions of Section 1094.6 of the Code of Civil Procedure shall be applicable with regard to proceedings to obtain judicial review of the decisions of the hearing officer. The provisions of Section 1094.6 of the Code of Civil Procedure shall not expand the scope of judicial review, but shall prevail over any conflicting provisions and any otherwise applicable law relating to the subject matter, unless the conflicting provision is a state or federal law which provides a shorter statute of limitations, in which case the shorter statute of limitations shall apply. The decision of the hearing officer shall be subject to judicial review pursuant to the provisions of Section 1094.5 of the Code of Civil procedure only if a petition for writ of mandate pursuant to said section is filed within the time limits specified in Section 1094.6 of the Code of Civil Procedure; provided, that if a state or federal law prescribes a shorter statute of limitations for the type of action, compliance shall be required within such shorter statute of limitations. Thereafter, all persons are barred from commencing or prosecuting any such action or proceeding or asserting any defense of invalidity or unreasonableness of such decision, proceedings, determinations or actions taken.

SECTION IV Section 1.05.060 is amended to read:

FURTHER PROCEEDING:

(A.) The hearing officer shall submit the decision to the Clerk of the Board of Supervisors. At such time as a decision which imposes a special assessment is enforceable as provided in paragraph G above, the Clerk of the Board shall cause to be recorded In the County Recorder's Office a Notice of Code Enforcement Assessment Lien if the special assessment is then unpaid. Upon recordation of a Notice of Code Enforcement Assessment Lien, the assessment lien shall attach to the property. Each such assessment lien shall be subordinate to all existing special assessment liens previously imposed upon such property and paramount to all other liens except those for state, county and municipal taxes with

which it shall be upon parity. The lien shall continue until the amount of the lien and all interest and penalties due and payable thereon are paid. Recordation of a Notice of Code Enforcement Assessment Lien shall have the same effect as recordation of an abstract of a money judgment. At such time as any decision of the hearing officer is enforceable which orders the payment of enforcement costs, and other abatement costs, and/or civil penalties, and such costs and civil penalties have not then been paid in full, the Clerk of the Board of Supervisors shall file with the Assessor-Recorder and Treasurer-Tax Collector a certified copy of the Notice of Code Enforcement Assessment Lien for each obligation for payment which has been made a special assessment, and a Notice of Code Enforcement Personal Obligation for each which is a personal obligation. The Assessor-Recorder shall add the unpaid amount(s) of the special assessments to the next regular tax bill for taxes levied against said property for County purposes. For personal obligations, the Assessor-Recorder shall add the unpaid amounts to the unsecured tax roll. Thereafter said amount(s) added to the secured and unsecured tax rolls shall be collected at the same time and in the same manner as County taxes are collected, and shall be subject to the same interest charges and penalties and procedure for sale in case of delinquency as provided for property taxes of the County of Marin, and all laws applicable to the levy, collection and enforcement of County taxes shall be applicable. If any real property to which a code enforcement assessment lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of County taxes would become delinquent then the enforcement costs, other abatement costs, and civil penalties shall not result in a lien against the real property but shall be transferred to the unsecured roll for collection.

(B.) On payment to the Treasurer-Tax Collector of a special assessment, the Treasurer-Tax Collector shall cause to be recorded a Release of Lien with the County Recorder, and from the sum collected pursuant to this section the Assessor-Recorder shall distribute to the County Recorder a Release of Lien fee established by Government Code Section 27361.3.

SECTION V Section 1.05.080 is amended to read:

(A.) The County Counsel upon receipt of a decision of a hearing officer which orders the payment of civil penalties or payment of enforcement costs or other abatement costs, may (in addition to any other collection procedures provided by this section) prepare and file a civil action on behalf of the County in any court of competent jurisdiction to recover the civil penalties and costs of enforcement provided by this section and for injunctive or any other appropriate relief. All penalties recovered by the county counsel under this section in excess of the total county costs of enforcement shall be deposited in the County's General Fund.

(B.) In the event a civil action is initiated to obtain enforcement of the decision of the hearing officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County total costs of enforcement, including attorney's fees.

SECTION VI Section 1.05.090 is amended to read:

(A.) The remedies and civil penalties provided by this section shall be in addition to any other remedies and penalties provided by law.

SECTION VII Section 1.05.100 is hereby amended to read as follows:

Where the Board of Supervisors has evidence that a violation of its Codes poses a significant health or safety hazard to the owners or occupants of the property, adjoining properties or to the surrounding community, the Board of Supervisors may, in its discretion, commence a judicial action to enjoin such violation without the necessity of first going through the administrative procedures set forth in Sections 1.05.030 through 1.05.060.

SECTION VIII Section 1.05.120 is hereby added to the Marin County Code:

Applications for permits pursuant to provisions of the Marin County Code may be denied or conditionally approved if any related violation of the Marin County Code or state law is found to exist on the same property. Acceptance of an application for a permit may be withheld until the applicant has paid the County's total cost of enforcement with regard to any violation(s) sought to be resolved by the application and with regard to any related violation; and any unpaid application fees and charges relating to the same property may be required to be paid prior to issuance of a permit.

SECTION IX Section 1.05.070 of Marin County Code is hereby repealed.

SECTION X If any section, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of Supervisors would have adopted this ordinance and each section, sentence, clause or phrase and portion thereof, irrespective of the fact that any one or more sections, sentences, clauses, phrases or portions be invalid or unconstitutional.

SECTION XI This ordinance shall take effect on the 31st day after the date of final passage.

SECTION XII PUBLICATION. This ordinance shall be and is hereby declared to be in full force and effect thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the supervisors voting for and against the same in the Independent Journal, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED this 1st day of November 1994, by the Board of Supervisors of the County of Marin by the following vote:

AYES: SUPERVISORS Bob Roumiguiere, Harold Brown, Annette Rose
NOES: SUPERVISORS Brady Bevis
ABSENT: SUPERVISORS Gary Giacomini
ABSTAIN: SUPERVISORS None

Annette Rose pro tem
Chairman of the
Board of Supervisors

Attest:

Clerk of the Board

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 3212

AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 22 OF THE MARIN COUNTY CODE FOR CONSISTENCY WITH THE HOUSING ELEMENT OF THE MARIN COUNTYWIDE PLAN

SECTION I: FINDINGS

I. WHEREAS, the Marin County Board of Supervisors adopted the Marin Countywide Plan on January 18, 1994; and

II. WHEREAS, the Marin County Planning Commission held a duly noticed public hearing on February 13, 1995, and adopted Resolution PC 95-106 to recommend that the Board of Supervisors adopt amendments to Title 22 of the Marin County Code for consistency with the Housing Element of the Marin Countywide Plan; and

III. WHEREAS, the County of Marin is required by the State of California to adopt provisions for carrying out Section 65915 (State Mandated Density Bonus, amended in 1990), of the Government Code relating to density bonuses for low and very-low income housing; and

IV. WHEREAS, this ordinance shall rescind Resolution 84-294 (Procedures for carrying out the State Mandated Density Bonus) and shall establish revised procedures for carrying out the 1990 amendments to Section 65915 of the Government Code; and

V. WHEREAS, the Association of Bay Area Governments has established each jurisdiction's fair share housing requirements for all Bay Area jurisdictions and these requirements are roughly proportional to each jurisdiction's expected rate of growth, land availability, and ability to provide needed affordable housing; and

VI. WHEREAS, the code amendments herein are needed to carry forth the regional goals on a local level; and

VII. WHEREAS, the Housing Element of the Marin Countywide Plan establishes policies and programs designed to help the County meet its fair share of the regional housing need for the development of low and moderate income housing; and

VIII. WHEREAS, the proposed amendments to the Marin County Code will fulfill the requirements of Program H-1.1d (Amendments to Increase Inclusionary Requirements), Program H-1.1e (Amendments to Increase Density Bonus), and Policy H-1.9 (State Mandated Density Bonus) established in the Housing Element of the Marin Countywide Plan; and

IX. WHEREAS, revised procedures for carrying out the provisions of Section 65915 of the Government Code shall be incorporated into Title 22 (the zoning code) of the Marin County Code; and

X. WHEREAS, the Board of Supervisors finds that the housing market alone will not produce housing at prices affordable to low and moderate income residents and employees in the County, and

XI. WHEREAS, the Board of Supervisors finds that provision of inclusionary units will assist Marin County in supplying its regional fair share of housing affordable to low and moderate income households; and

XII. WHEREAS, the Board of Supervisors finds that, given the limited supply of land in the unincorporated County available for residential development, that the continued construction of housing must include affordable and market rate units in order to ensure that there is an adequate supply of housing for all income groups in Marin; and

XIII. WHEREAS, the Board of Supervisors finds that the cost of housing in Marin County has increased faster than the median income since the adoption of the inclusionary ordinance, and consequently, the market provides affordable housing to a much smaller segment of the population than it did 14 years ago. In order for Marin County to continue to provide its regional fair share of affordable housing it is necessary to increase the inclusionary requirements from 10% to 15%; and

XIV. WHEREAS, Program 1.1e (Amendments to Increase Density Bonus) provides additional incentives for the production of affordable housing; and

XV. WHEREAS, the Board of Supervisors finds that public necessity, convenience and general welfare do require these code amendments to Title 22 of the Marin County Code; and

XVI. WHEREAS, the Board of Supervisors finds that the certified Environmental Impact Report for the Countywide Plan and the zoning ordinance implementation thereto is adequate to serve as environmental review for the amendment to the zoning ordinance pursuant to the California Environmental Quality Act Section 15162, because said amendments represent minor changes to the zoning ordinance which do not raise significant new information or environmental impacts.

SECTION II: AMENDMENTS TO TITLE 2?

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors hereby rescinds Board of Supervisors Resolution 84-294 and adopts the following revisions to Title 22 of the Marin County Code as recommended by Program H-1.1d, Program H-1.1e, and Policy H-1.9 of the Housing Element of the Marin Countywide Plan.

Marin County Code Section 22.97.010 Purpose

The purpose of this chapter is to enhance the public welfare and assure that further housing development contributes to the attainment of these housing goals by increasing the production of units affordable by households of low and moderate income, and additional stimulating funds for development of low income housing. A limited and finite amount of land remains for development of housing in the urban areas of the county. In order to assure that the remaining developable land is utilized in a manner consistent with the county housing policies and need, the county declares that fifteen percent of the total number of units of all new developments containing ten or more units shall be affordable by households of very low, low or moderate income.

Marin County Code Section 22.97.030 General requirements for new residential development of ten or more units.

(a) Any new residential development involving ten or more parcels or dwelling units intended and designed for permanent occupancy, including but not limited to single family dwellings, apartments, multiple dwelling structures, or group of dwellings, condominium development, townhouse development, cooperative, or land shall be conditioned to provide fifteen percent of the total number of dwelling units within the development as inclusionary units affordable by moderate, low, or very low income households, or fifteen percent of the total number of lots in the case of land subdivisions, for the development of inclusionary units. Fees may be paid in lieu of inclusionary units only if Planning staff can make the finding that construction of the required inclusionary units is not feasible or appropriate as part of the larger development project. Factors contributing to this determination include overall development size, density, character and location, accessibility to public transportation, and proximity to retail and service establishments.

In applying these percentages to any decimal fraction less than or equal to 0.50, an in-lieu fee proportional to the decimal fraction shall be required, and any decimal fraction greater than 0.50 shall be construed as requiring one dwelling unit. The inclusionary requirement shall be imposed only once on a given development, regardless of changes in the character or ownership of the development.

(b) Any development permit for new residential construction projects of ten or more units shall have conditions attached which will assure compliance with the provisions of this chapter. Such conditions shall specify the timing of in-lieu fees and/or the construction of the

inclusionary units, the number of inclusionary units at appropriate price levels, provisions for income certification and a screening of potential purchasers and/or renters of inclusionary units, a resale control mechanism, and, if applicable, density bonuses.

In addition, the conditions shall require a written agreement to indicate the number, type, location, approximate size, and construction scheduling of all dwelling units and such reasonable information as shall be required by the County for the purpose of determining the applicant's compliance with this chapter.

All inclusionary units in a project and phases of a project should be constructed concurrently with or prior to the construction of non-inclusionary units, unless extenuating circumstances exist.

paragraphs (c) through (f) to remain unchanged

(g) Upon finding by Planning staff that the construction of the required inclusionary units is not feasible or appropriate as part of a larger development project due to factors including overall development size, density, character and location, accessibility to public transportation, and proximity to retail and service establishments, the applicant shall have the option to construct the inclusionary units on a site or sites not contiguous with the development.

paragraph (h) to remain unchanged

Marin County Code Section 22.97.050(a) Inclusionary unit requirements for rental developments (to read as follows):

(a) In rental projects of ten or more units, fifteen percent of the units shall be inclusionary units. The inclusionary rental units shall be offered at rent levels not exceeding 30% of gross income of households earning 60% of area median income. Where housing assistance rental subsidies are available, units shall be made available to very-low income households. The housing unit rental prices shall be established by the County or its designee and shall be based on the number of bedrooms.

paragraphs (b) and (c) to remain unchanged

Marin County Code Section 22.97.070(a) and (c) - Inclusionary unit requirements for ownership developments (to read as follows):

(a) In ownership residential projects of ten or more units, fifteen percent of the units shall be inclusionary units affordable by households earning 100% of area median income. Moderate income units shall be sold to a range of families earning eighty percent to one hundred twenty percent of the area median income. The housing units sales prices shall be established by the County or its designee and shall be based on the number of bedrooms.

paragraph (b) to remain unchanged

(c) The Housing Authority shall review the assets and income of prospective purchasers of the ownership inclusionary units on a project by project basis. The Housing Authority shall advertise the inclusionary units to the Marin general public. Upon notification of the availability of ownership units by the developer, the Housing Authority shall seek and screen qualified purchasers through a process involving applications and interviews. Where necessary, the Housing Authority shall hold a lottery to select purchasers. The developer/owner shall retain final approval in the selection of the qualified purchasers selected by the Housing Authority; provided, that the same terms and conditions (except income) applied to purchasers of inclusionary units as are applied to all other purchasers. Preference will be given to residents of Marin County and/or to people employed in Marin County.

Marin County Code Section 22.97.090 - Inclusionary unit requirements for land subdivision developments (to read as follows):

In land subdivisions of ten or more parcels, fifteen percent of the developable lots or their equivalent shall be set aside for immediate or future development of moderate, low, or very low income units. Such land may be developed by the applicant or another profit or nonprofit developer, private or public, or deeded to the County of Marin or its designee. The units built on these parcels may be rental or owner occupied, and shall conform to the requirements set forth in the appropriate sections of this chapter. The method of providing inclusionary units from land subdivisions shall be specified in the conditions of approval of each such land subdivision.

Marin County Code Section 22.97.120(d) (to read as follows):

(d) The Housing Authority shall be given the responsibility of monitoring the resale of ownership inclusionary units. The Housing Authority or its assignee shall have a ninety day option to commence purchase of ownership inclusionary units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the County for appropriate action.

Marin County Code Section 22.97.150(a) (b) and (c) - In-lieu participation fees (to read as follows):

(a) In-lieu fees may be appropriate for particular developments not suitable for inclusionary units due to factors such as, but not limited to, location, development density, accessibility to public transportation, environmental conditions, or in cases where the inclusionary requirement includes a decimal fraction of a unit and a combination of both inclusionary units and in-lieu fees is required to fulfill the inclusionary requirement. These in-lieu fees shall be used by the County or its designee such as a non-profit housing development corporation for the purpose of developing affordable housing for low/very-low income households elsewhere in the county.

(b) In-lieu fees may be paid in lieu of construction of inclusionary units only if Planning staff can make the finding that construction of the required inclusionary units is not feasible or appropriate as part of the larger development project. Factors contributing to this

determination include overall development size, density, character and location, accessibility to public transportation, and proximity to retail and service establishments.

(c) The in-lieu participation fees for all residential development, including land subdivisions, shall be calculated as the difference between the ability of moderate income families (earning one hundred percent of the median income) to pay for housing and the estimated cost of a market rate unit of appropriate size, to be determined by the County. Estimates of the price of a market rate unit and the corresponding in-lieu participation fee are to be determined periodically by the Director of the Community Development Agency. This differential shall be multiplied by the required number of inclusionary units to determine the total required fee to be paid in-lieu of constructing below market rate units. For purposes of applying percentages to in-lieu fees on projects of 10 or more units, decimal fractions of a unit shall be used.

paragraph (d) to remain unchanged

Marin County Code Section 22.97.180 - Density Bonus (to read as follows):

In order to encourage the production of affordable housing, the County shall favorably consider the applicability of an increase in density up to ten percent in a proposed residential project or land subdivision provided, that the proposed density (including the density bonus) conforms to all applicable Countywide Plan policies, including traffic standards, environmental standards, and general plan designations. This density bonus is exclusive of and not a substitute for other density bonus(es) and may not be combined with another density bonus. Granting of a density bonus shall be based on a project-by-project analysis and determination that such an increase in density will not be detrimental to the public health, safety and/or welfare.

Marin County Code Section 22.97.181 - Low and Very-Low Income Housing Density Bonus (to read as follows):

The County of Marin shall allow an increase in density up to 25% above the otherwise maximum allowable density for rental residential developments in which 100% of the units are affordable to low income households or 50% of the units are affordable to very low income households, if the proposed density (including the density bonus) conforms to all applicable Countywide Plan policies, including traffic standards, environmental standards, and general plan designations. The density bonus shall decrease proportionately as the percentage of low or very low income units decreases. A density bonus granted under this subsection shall be in addition to the density bonus granted under Section 22.97.190, pursuant to Government Code Section 65915. Granting of a density bonus shall be based on a project-by-project analysis and determination that such an increase in density will not be detrimental to the public health, safety and/or welfare.

Marin County Code Section 22.97.190 State Mandated Density Bonus (to be added as follows).

It is the intent of this section to establish the procedures for carrying forth the provisions of Section 65915 of the Government Code of the State of California which pertains to density bonuses for affordable housing developments. The County of Marin shall grant a density bonus of at least 25% and an additional concession or incentive, or financially equivalent incentive(s), to a developer of a housing development of 5 or more units agreeing to construct at least (1) 20% of the units for lower-income households; as defined in Section 50079.5 of the Health and Safety Code, or (2) 10% of the units for very low-income households; as defined in Section 50105 of the Health and Safety Code, or (3) 50% of the units for qualifying residents, as defined in Section 51.2 of the Civil Code.

(a) For the purposes of this section "density bonus" means a density increase of at least 25 percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and Community Development Element of the Countywide Plan as of the date of application by the developer to the County. The density bonus units shall not be included when determining the number of housing units which is equal to 10 or 20 percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units.

(b) For the purposes of this section, "an additional concession or incentive" means any one of the following: (1) A reduction in site development standards or a modification of zoning code requirement or architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required. (2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located. (3) Other regulatory incentives or concessions proposed by the developer or County which result in identifiable cost reductions.

(c) The County at its sole discretion, may allow a developer seeking a density bonus under Section 65915 of the Government Code to construct the bonus units and/or housing units for families of low or very-low income households on a site or sites other than the one on which the housing development is proposed and for which a density bonus is sought. If such a proposal is approved by the County, no additional density bonus will be allowed on the off-site parcel.

(d) If a developer meets the requirements for housing for low or moderate income families or for lower income households under Section 65915 of the Government Code, the developer will not be subject to the requirements of Chapter 22.97 of the County Code (Provision of Low and Moderate Income Housing) with respect to the requirement to provide inclusionary housing units or in-lieu fees. The inclusionary requirements for land subdivisions of Chapter 22.97 will continue to apply.

(g) The sale, rental, household selection and resale of units provided under Section 65915 of the Government Code shall be administered according to the provisions of Chapter 22.97.

Marin County Code Section 22.97.191 Preliminary proposal for development of housing or for other incentives of equivalent financial value under Section 65915 of the Government Code (to be added as follows):

1. If a developer submits a preliminary proposal for the development of housing under Section 65915 of the Government Code or for other incentives of equivalent financial value (including but not limited to relief from park, open space, and roadway improvements, etc.), the Planning Commission shall hold a noticed public hearing, shall make a determination on the proposal within 90 days of receipt of the proposal based upon the preliminary evaluation, and shall notify the housing developer in writing of the manner in which the County will comply with the Section 65915 of the Government Code. The determination shall state whether the County will grant an additional incentive or make written findings that the additional incentive is unnecessary for affordability of the target units. The determination may be subject to change based on environmental review for a formal application for development as required by the California Environmental Quality Act. In any event the total number of units to be approved shall be consistent with Environmental Review and Countywide and Community Plan policies. The decision of the Planning Commission may be appealed to the Board of Supervisors within five (5) working days.

2. A preliminary proposal for development of housing or for other incentives of equivalent financial value under Section 65915 of the Government Code shall include the following information: (1) Assessor's parcel number and location and number of units of proposed housing development. (2) Assessor's Parcel number and location of off-site low and/or moderate income units (if applicable). (3) Estimated financial value of density bonus. (4) Request itemizing incentives of equivalent financial value (if applicable).

3. If a proposal for housing development (i.e. Subdivision or Master Plan), is submitted as part of a formal development application, the Planning Commission may request the developer to waive the requirement for a determination on the proposal within 90 days and, if the request is granted, may review the housing proposal as part of the formal development application.

Marin County Code Section 22.97.280 Annual Report (to read as follows):

The Community Development Agency shall prepare an annual report to the Board of Supervisors on the status of the inclusionary units constructed under the provisions of this chapter. The report shall include the number, size, type, tenure, and general location of the inclusionary units as well as the number of resales and rental vacancy rate. The report shall provide a basis for an evaluation of the overall effectiveness of this chapter.

SECTION III: EFFECTIVE DATE

This ordinance shall be and is hereby declared to be in full force and effect on September 22, 1995, and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the supervisors voting for and against the same, in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on this 22nd day of August, 1995, by the following vote to-wit:

AYES: SUPERVISORS Harry J. Moore, Gary Giacomini, Harold C. Brown, Jr. John B. Kress, Annette Rose

NOES: None

ABSENT: None

Annette Rose
President, Board of Supervisors

ATTEST:

Martin J. Nichols
Clerk of the Board

Title 22

ZONING*

Chapters:

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* Statutes pertaining to conservation and planning and to zoning generally – See Government Code Title 7.

22.02.010 Generally. For the purpose of this title certain terms used herein are defined as set forth in this chapter.

All words used in the present tense, shall include the future; all words in the plural number shall include the singular and all words in the all words in the plural number shall include the singular and all words in the wording indicates otherwise. "Lot" includes "plot"; "building" includes "structure" and "shall" is mandatory and not directory. "County" as used herein means the county of Marin, state of California; "board of supervisors" means the board of supervisors of the county of Marin; "planning commission" means the county planning commission; and "county boundary" means the boundary of the county of Marin, or the boundary of any incorporated municipality within the county. (Ord. 264 § 10; July 18, 1938).

22.02.020 Agriculture. "Agriculture" means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and/or animal husbandry, including all uses customarily incidental thereto, but not including slaughterhouses, fertilizer works, bone yards or plants for the reduction ot animal matter. (Ord. 264 § 10.1; July 18, 1938).

22.02.030 Alley. "Alley" means a way not exceeding thirty feet in width which affords only a secondary means of access to abutting property. (Ord. 264 § 10.2; July 18, 1938).

22.02.040 Apartment. "Apartment" means a room or suite of two or more rooms which is designated for, intended for and/or occupied by one family doing its cooking therein. (Ord. 264 § 10.3; July 18, 1938).

22.02.050 Apartment court. For the definition of "apartment court" see "dwelling group." (Ord. 264 § 10.4; July 18, 1938).

22.02.060 Apartment house. For the definition of "apartment house" see "dwelling, multiple." (Ord. 264 § 10.5; July 18, 1938).

22.02.070 Automobile camp. "Automobile camp" means land, improved or otherwise, which is used or intended to be used, let or rented for occupancy by one or more campers traveling by automobile or otherwise, or for occupancy by or of one or more trailers or movable dwellings, rooms or sleeping quarters of any kind. (Ord. 264 § 10.6, as amended by Ord. 302; May 25, 1942).

22.02.080 **Automobile court.** "Automobile court" means a building, or a group of two or more detached or semi-detached buildings, containing guest rooms or apartments, with automobile storage space serving such rooms or apartments provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travels; including groups designated as auto cabins, motor lodges, and by similar designations. (Ord. 264 § 10.7; July 18, 1938).

22.02.085 **Automobile service station.** (a) "Full-service stations" means stations offering: gas, air, water, oil and window-washing performed by a service station attendant, light mechanical repairs, public restrooms, minor auto parts such as fan belts, water hoses, windshield wiper blades, tires, oil, brake fluid and maps. Stations with split island service or partial self-service where the full range of services and attendant assistance is not provided on one or more islands can be classified as full-service stations for the purposes of this title if one or more islands are full-serve as defined above and all the services and products as described above are provided by a service station attendant during all hours of operation.

(b) "Self-service stations" means stations where public restroom facilities are provided and where the customer performs automobile servicing such as pumping gas, window washing, checking oil, radiator, tires and no attendant is regularly provided to perform automobile servicing other than to accept payment for products purchased or to supervise customer activities; an adjunct garage providing garage services does not qualify the station for classification as full-service unless an attendant is regulary provided to assist in servicing automobiles.

(c) By definition, both full-service and self-service stations require public restrooms to be provided. (Ord. 2878 § 2 (part), 1985).

22.02.090 **Automobile wrecking.** For the definition of "automobile wrecking" see "junk yard." (Ord. 264 § 10.8; July 18, 1938).

22.02.100 **Basement.** "Basement" means a story partly underground and having at least one-half of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes or if used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same. (Ord. 264 § 10.9; July 18, 1938).

22.02.103 **Bed and breakfast.** "Bed and breakfast" means the providing of not more than five guest bedrooms and which may include providing limited meal service such as light breakfasts and late night snacks and other refreshments and which use is clearly secondary and incidental to the use of the property as a single-family residence. Prior to the establishment of any "bed and breakfast" operation, it shall be the responsibility of the

operator to secure and/or satisfy all prevailing off-street parking, water supply, waste disposal and fire safety requirements as may be applicable. In those instances where a use permit is required prior to the establishment of a bed and breakfast operation, the county hearing officer shall give particular consideration to the following issues during review of use permit applications: Safety of access, privacy of neighbors and environmental review aspects. (Ord. 2884 § 1, 1985).

22.02.105 Billboard. "Billboard" means a sign, other than a poster board or bulletin board, designed and located for the display of advertising messages pertaining to products or services not provided on the premises displaying the sign. (Ord. 1719 § 1; August 5, 1969).

22.02.110 Block. "Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right-of-way, mean high tide line or unsubdivided acreage. (Ord. 264 § 10.10; July 18, 1938).

22.02.120 Building. "Building" means any structure, having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division of fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building. "Building" as described herein does not include mobile homes, house trailers, campers and similar devices and appurtenances. (Ord. 1500 § 1; March 22, 1966: Ord. 264 § 10.11; July 18, 1938).

22.02.130 Building, assessory. "Accessory building" means a subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use permitted in the district shall be deemed to be an accessory building. (Ord. 264 § 10.12; July 18, 1938).

22.02.140 Building, main. "Main building" means a building in which is conducted the principal use of the lot upon which it is situated. In any R or A district any dwelling shall be deemed to be a main building upon the lot

upon which it is situated. (Ord. 264 § 10.13, as amended by Ord. 463; December 8, 1948).

22.02.150 Building site. "Building site" means a lot as defined herein. (Ord. 264 § 10.135, added by Ord. 463; December 8, 1948).

22.02.160 Bungalow court. For the definition of "bungalow court" see "house court"; also "dwelling group." (Ord. 264 § 10.14; July 18, 1938).

22.02.170 Business. "Business" means the purchase, sale or other transaction involving the handling or disposition (other than is included in "industry", as defined herein) of any article, substance or commodity for profit or livelihood, including, in addition, automobile camps, automobile courts, garages, office buildings, offices, public stables, recreational and amusement enterprises conducted for profit, and shops for the sale of personal services, but not including dumps and junk yards. (Ord. 1719 § 2; August 5, 1969: Ord. 264 § 10.16; July 18, 1938).

22.02.180 Commercial place of amusement. "Commercial place of amusement" means any establishment maintained and operated for the purpose of providing amusement and entertainment to guests thereof, and shall further include any establishment which serves alcoholic beverages over a bar, but does not include an establishment which serves beers, wines or ales wherein the principal use conducted is a restaurant, and the service of beers, wines or ales is provided as an incidental service to the customers of the place at the counters and tables provided for normal eating purposes and provided further that there is no space set aside or music provided for dancing. (Ord. 264 § 10.155, added by Ord. 463, December 8, 1948).

22.02.185 Cottage industry. "Cottage industry" means a use conducted within a dwelling or within a detached accessory building on the same site as the dwelling or within a detached accessory building on the same site as the dwelling by the inhabitants of the dwelling and not more than one nonresident employee who is engaged in the design, manufacture, and sale of the following products and services: Antique repair and refinishing, batik and tie dyeing, dress making, sewing and millinery, furniture and cabinet making, sculpture, weaving, woodworking, photography, holography, catering, baking and the preparation of food specialties for consumption at locations other than the place of preparation, and such other uses as determined by the zoning administrator to be of the same general character and intensity. All such uses may use such mechanical equipment or processes as are necessary for the above listed uses: provided, however, that no such use shall be audible beyond the limits of the property upon which said use is conducted, shall comply with all applicable health, sanitary and fire codes, and shall not display any exterior sign which exceeds two square feet in area. (Ord. 2813 § 1, 1984).

22.02.190 Court. "Court" means an open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof. (Ord. 264 § 10.16; July 18, 1938).

22.02.200 District. "District" means: 1. A portion of the unincorporated territory of the county within which certain uses of land and buildings are permitted and certain other uses of land and buildings are not permitted and within which certain yards and other spaces are required and certain building site areas are established and certain height limits are established for buildings, all as set forth and specified in this title.

2. A portion of the unincorporated territory of the county within which are applied certain regulations designated as combining regulations as set forth in this title.

"A District" means any district designated as A-3 through A-60 or greater as specified in Chapter 22.10. "A-2 District" means any A-2 limited agriculture district. "R-A District" means any R-A suburban agricultural district. "R District" means an R-E, R-1, R-2, or R-3 district or any of the districts with which any combining regulations are combined. "M District" means any M-1 or M-2 District or any of the districts with which any combining regulations are combined. "H District" means any H-1 District or any district with which an H district is combined. "S District" means any district with which an S-1, S-2, or S-3 district is combined. (Ord. 2949 § 2 (part), 1987: Ord. 264 § 10.17, as amended Ord. 798; January 3, 1956).

22.02.210 District, more restricted or less restricted. "More restricted or less restricted district" means that in the following list each district shall be deemed to be more restricted than the districts succeeding it and each district shall be deemed to be less restricted than the districts preceding it: R-1, R-2, R-3, C-1, C-2, M-1, M-2. (Ord. 264 § 10.18; July 18, 1938).

22.02.220 Drive-in. "Drive-in" means a refreshment stand dispensing food or drink, and catering to customers who remain in, or leave and return to, their automobiles for consumption of food or drink on the premises. (Ord. 264 § 10.187, added by Ord. 773; September 6, 1955).

22.02.230 Dump. "Dump" means a place used for the disposal, whether by deposition, abandonment, discarding, dumping, reduction, burial, incineration or by any other means, of any garbage, sewage, trash, refuse, waste material, offal or dead animals; provided that this definition does not include such means of disposal of such substances as are customarily incidental and accessory to dwellings, institutions, and commercial, industrial and agricultural uses. (Ord. 264 § 10.19; July 18, 1938).

22.02.240 Dwelling, one-family. "One-family dwelling" means a detached building designed for and/or occupied exclusively by one family. (Ord. 264 § 10.20; July 18, 1938).

22.02.250 Dwelling, two-family. "Two-family dwelling" means a detached building designed for and/or occupied exclusively by two families living independently of each other. (Ord. 264 § 10.21; July 18, 1938).

22.02.260 Dwelling, multiple. "Multiple dwelling" means a building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in the building, including apartment houses, apartment hotels and flats, but not including automobile courts or automobile camps. (Ord. 264 § 10.22; July 18, 1938).

22.02.270 Dwelling group. "Dwelling group" means a group of two or more detached or semi-detached one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house courts and apartment courts, but not including automobile courts. (Ord. 264 § 10.23, 1938).

22.02.280 Family. "Family" means one or more persons occupying a premises and living as a single, nonprofit, domestic housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants. (Ord. 264 § 10.24, 1938).

22.02.281 Floating home. "Floating home" is any boat, craft, living accommodation or structure supported by means of flotation, designed to be used without a permanent foundation, which is used or intended for human habitation. (Ord. 1692 § 1 (part), 1969).

22.02.282 Floating home marina. "Floating home marina" means a facility which contains one or more berthing spaces for floating homes. (Ord. 1692 § 1 (part), 1969).

22.02.283 Floating home fairway. "Floating home fairway" means an area of water within a floating home marina which is used exclusively for access to other waters for vessels permanently moored in the floating home marina. A fairway shall not be used for the permanent mooring of any vessel or for piers, docks, ramps, walkways or other exit ways. (Ord. 1692 § 1 (part), 1969).

22.02.285 Floor area ratio. "Floor area ratio" or "F.A.R." means the floor area of the building or buildings on a lot, divided by the area of that lot. For the purpose of determining the allowable floor area of a lot where a floor area ratio regulation is applicable, the "floor area" is the sum of the gross horizontal areas of the several floors of the building or buildings measured from the exter-

ior faces of the exterior walls and shall exclude the following: all unenclosed horizontal surfaces such as balconies, courts, decks, porches, terraces; all detached accessory structures not designed for and/or used for sleeping purposes as further defined herein; and spaces primarily allocated for permanent automobile parking as further defined herein. For the purpose of determining the excludable floor area of "detached accessory structures not designed for and/or used for sleeping purposes," the total floor area of such structures in excess of two hundred fifty square feet shall be considered as part of the allowable floor area of a lot where floor area ratio regulations are applicable. For the purpose of determining the excludable floor area of "spaces primarily allocated for permanent automobile parking," the total floor area of any garage in excess of five hundred forty square feet shall be considered as part of the allowable floor area of a lot where floor area ratio regulations are applicable, unless a community plan has established a different standard. (Ord. 3157 § 2 (part), 1993: Ord. 1451 § 1, 1965).

22.02.290 Front wall. "Front wall means the wall of the building or other structure nearest the street upon which the building faces, but excluding certain architectural features as specified in Chapters 22.66 through 22.74. (Ord. 264 § 10.25, 1938).

22.02.300 Garage, private. "Garage, private" means an accessory building or an accessory portion of the main building designed or used only for the shelter of vehicles owned or operated by the occupants of the main building. (Ord. 264 § 10.26, as amended by Ord. 463, 1948).

22.02.310 Garage, public. "Garage, public" means any premises, except those herein defined as a private or storage garage, used for the storage or care of self propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale. (Ord. 264 § 10.27, 1938).

22.02.320 Garage, storage. "Storage garage" means any premises, except those herein defined as a private garage, used exclusively for the storage of self-propelled vehicles. (Ord. 264 § 10.28, 1938).

22.02.330 Grade. "Grade" means: 1. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

2. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.

3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

4. All walls approximately parallel to and not more than five feet from the street line shall be considered as adjoining the street. (Ord. 264 § 10.29, 1938).

22.02.370 Hog ranch. "Hog ranch" means any premises used for the raising or keeping of more than six hogs. (Ord. 264 § 10.32, 1938).

22.02.380 Home occupation. "Home occcupation" means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof and limited to the following uses: dressmaking, sewing, millinery, small handcraft, art work, artist's and sculptor's studio activities, the renting of rooms and/or the providing of table board not to exceed five persons, the office of a musician, tutor, writer, architect, physician, technical advisor, attorney, insurance agent and any other use which may be determined by the zoning administrator to be of the same general character as those herein enumerated and not objectionable or detrimental to the district in which located, in connection with which there is no display, no stock in trade, no persons employed and no mechanical equipment used, except such as is necessary for the above enumerated occupations, or as is necessary for housekeeping purposes. (Ord. 971, 1958: Ord. 463 (part), 1948: Ord. 264 § 10.33, 1938).

22.02.390 House court. "House court" means a group of two or more dwellings on the same lot, whether detached or in connected rows, having a separate outside entrance on the ground floor level for each family unit of such group. (Ord. 264 § 10.34, 1938).

22.02.400 Hotel. "Hotel" means any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied, or which may be occupied, whether the compensation be paid directly or indirectly. (Ord. 2884 § 2, 1985: Ord. 264 § 10.35, 1938).

22.02.410 Industry. "Industry" means the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form or character thereof, including, in addition, the following: animal hospitals, bottling works, building materials or contractors yards, cleaning and dyeing establishments, creameries, dog pounds, junkyards, laundries, lumberyards, milk bottling or distributing stations, stockyards, storage elevators, truck storage yard, warehouses, and wholesale storage. (Ord. 264 § 10.36, 1938).

22.02.420 Junkyard. "Junkyard" means the use of more than two hundred square feet of the area of any lot, or the use of any portion of that half of any lot (but not exceeding a depth or width, as the case may be, of one hundred feet) which half adjoins any street, for the dismantling or wrecking of automobiles or other vehicles or machinery, or for the storage or keeping of the parts or equipment resulting from dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials. (Ord. 264 § 10.37, 1938).

22.02.430 Kennel. "Kennel" means any lot or premises on which four or more dogs at least four months of age are kept. For purposes of this section and Title 22, "kennel" does not mean and does not include any lot or premises on which a person has been issued a dog hobbyist or ranch dog permit in accordance with the provisions of Sections 8.04.245 or 8.04.246. (Ord. 2288 § 8, 1977: Ord. 463 (part), 1948: Ord. 264 § 10.374, 1938).

22.02.440 Kitchen. "Kitchen" means any room used or intended or designed to be used for cooking or the preparation of food. (Ord. 463 (part), 1948: Ord. 264 § 10.375, 1938)

22.02.450 Livestock feed yard. "Livestock feed yard" means any premises used for the raising, feeding or keeping of more than six head of cattle or similar livestock for the purpose of conditioning the same for marketing or slaughter. (Ord. 264 § 10.38, 1938).

22.02.460 Lot. "Lot" means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as may be required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which such lot is situated, and having its principal frontage on a street. (Ord. 264 § 10.39, 1938).

22.02.470 Lot, corner. "Corner lot" means a lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines. (Ord. 264 § 10.40, 1938).

22.02.480 Lot, inside. "Inside lot" means a lot other than a corner lot. (Ord. 264 § 10.41, 1938).

22.02.490 Lot, key. "Key lot" means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts. (Ord. 264 § 10.42, 1938).

22.02.500 Lot area. "Lot area" means the total horizontal area included within lot lines. Areas that are below mean high tide lines of the ocean or any bay, river or stream subject to tidal action, shall not be included in the area of the lot for purposes of meeting minimum area requirements of any zone district requiring a minimum lot area. Lands excluded from tidal action by artificial structures, built prior to April 18, 1980, shall be included in the lot area. Any structure built prior to April 18, 1980, shall be exempt from becoming nonconforming with respect to yard, floor area ratio and similar property development standards by the application of this section. (Ord. 2560 § 2, 1980: Ord. 264 § 10.43, 1938).

22.02.510 Lot depth. "Lot depth" means the average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot. (Ord. 164 § 10.44, 1938).

22.02.515 Lot width, average. "Average lot width" shall be the area of the lot in square feet divided by the length, in feet, of the longest dimension of the lot generally paralleling the longest lot lines. Any parcel of land within which an area can be inscribed which meets the square footage requirements of the zone district within which said parcel is located may use said area to determine the average lot width. The same area used to meet the square footage and average width requirements of any zone district shall also be used to determine yard areas, floor area ratio, lot coverage, open spaces and other site development requirements. (Ord. 2560 § 3, 1980).

22.02.520 Lot frontage. "Lot frontage" means that dimension of a lot or portion of a lot abutting on a street, except the side of a corner lot. (Ord. 264 § 10.45, 1938).

22.02.530 Lot line. "Lot line" means the lines bounding a lot on a lot as defined herein. (Ord. 264 § 10.46, 1938).

erected the use of which requires location on the ground or attachment to something having location on the ground. (Ord. 264 § 10.61, 1938).

22.02.690 Structural alterations. "Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders. (Ord. 264 § 10.62, 1938).

22.02.700 Use. "Use" means the purpose for which land or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained. (Ord. 264 § 10.63, 1938).

22.02.710 Use, accessory. "Accessory use" means a use incidental and accessory to the principal use of a lot or of a building located on the same lot as the accessory use. On any lot on which is located a dwelling any agricultural use permitted in the district shall be deemed to be an accessory use to the use of the lot for dwelling purposes. (Ord. 264 § 10.64, 1938).

22.02.715 Vessel. "Vessel" means any watercraft of any type or size, including but not limited to barges, ferry boats, arks, yachts, houseboats, floating homes, and rafts. (Ord. 1692 § 1 (part), 1969).

22.02.720 Yard. "Yard" means an open space other than a court on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward, except for the certain architectural features specified in Chapters 22.66 through 22.74. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features specified in Chapters 22.66 through 22.74 as not to be considered in measuring yard dimensions or as being permitted to extend into any front, side or rear yard, respectively; and the measurement shall be taken from the line of the building to the nearest lot line, provided, however, that if any future right-of-way line or future width line is established by the provisions of any applicable ordinances, for the street on which the lot faces, then such measurement shall be taken from the line of the building to such future right-of-way line or future width line. (Ord. 264 § 10.65, 1938).

22.02.730 Yard, front. "Front yard" means a yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building. (Ord. 264 § 10.66, 1938).

22.02.740 Yard, rear. "Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and the

nearest line of the main building. When no main building is located on the lot, the rear yard is defined as the rear one-half of the depth of the lot. (Ord. 463, 1948: Ord. 264 § 10.67, 1938).

22.02.750 Yard, side. "Side yard" means a yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard. (Ord. 264 § 10.68, 1938).

22.02.760 Marina. "Marina" means a small craft harbor which may include mooring and launching facilities and accessory facilities for boat servicing. (Ord. 1441 § 5, 1965).

22.02.770 Resort. "Resort" means an establishment comprised of permanent structures offering meals and lodging facilities for temporary or seasonal occupancy and having recreational facilities for one or more activities such as water sports, tennis, golf, riding, hiking, hunting, fishing or similar uses. (Ord. 1441 § 6, 1965).

22.02.780 Low income. "Low income" means that level of income established by the housing authority of the county for admittance into public housing. (Ord. 1871 § 2 (part), 1972).

22.02.790 Moderate income. "Moderate income" is that which is up to one hundred thirty-five percent of "low income." (Ord. 1871 § 2 (part), 1972).

22.02.800 Wild animal. "Wild animal" means any animal which is wild by nature and not customarily domesticated in the state of California. (Ord. 2407 § 1 (part), 1979).

22.02.810 Wild animal ranch. "Wild animal ranch" means the keeping or raising of wild animals for commercial agricultural purposes. (Ord. 2407 § 1 (part), 1979).

22.02.820 Wind energy conversion system (WECS). "Wind energy conversion system (WECS)" means a machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The WECS includes all parts of the system including the wind turbine tower and the transmission equipment. The following additional definitions are:

1. "Noncommercial WECS" means a WECS with a total height of one hundred feet or less which is an accessory use to the principal use of the site, in that the power production is no more than twice the annual site need.

2. "Commercial WECS" means any WECS with a total height exceeding one hundred feet or with a rotor diameter over thirty-five feet, or any arrangement of more than one WECS.

3. "Rotor" means the blades and the hub to which they are attached; it is used to capture wind for the purpose of energy conversion.

4. "Total height" means the height of the tower and the furthest vertical extension of the WECS.

5. "Tower" means the primary structural support of the WECS.

6. "Site" means the plot of land where the WECS is to be placed. The site could be owned by an individual or a group of individuals controlling single or adjacent properties. (Ord. 2794 § 3, 1983).

Chapter 22.04

ZONING – PLAN ADOPTION

Sections:

22.04.010 Citation. This title shall be known and cited as the zoning ordinance of the county. (Ord. 264 § 26, 1938).

22.04.020 Adoption of zoning plan. There is hereby adopted a zoning plan for the unincorporated territory of the county of Marin, state of California, said zoning plan being a detailed plan based on the master plan of said county and consisting of the establishment of various districts within which certain regulations shall be in effect, as set forth in this title and applicable provisions of Chapter 23.09. (Ord. 2710 § 6, 1982: Ord. 2690 (part), 1982: Ord. 264 § 1, 1938).

22.04.030 Purpose of zoning plan. Said zoning plan is adopted to promote and protect the public health, safety, peace, morals, comfort and general welfare and for the accomplishment thereof is adopted, among other purposes, for the following more particularly specified purposes:

(1) To assist in providing a definite and comprehensive plan of development for the county, and to guide, control and regulate the future growth of the county in accordance with said plan;

(2) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the county and to assure the orderly and beneficial development of such areas as parts of a well-coordinated community;

(3) To obviate the menace to the public safety resulting from the location of buildings, and the uses thereof and of land, adjacent to highways which are a part of the street and highway plan of the master plan of the county, or which are important thoroughfares, in such locations and in such manner as to cause interference with existing or prospective traffic movements on such highways and to impair the proper traffic functioning of such highways;

(4) To promote the public safety by controlling the location and height of buildings, and the uses thereof and of land near airports which are a part of the master plan of the county or which are important flying facilities. (Ord. 798, 1956; Ord. 264 § 2, 1938).

22.04.040 Severability. If any section, subsection, sentence, clause or phrase of this title is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this title. The board of supervisors hereby declares that it would have passed this title and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. 264 § 25, 1938).

Chapter 22.06
ENFORCEMENT AND PENALTIES

Sections:

22.06.010 Nonconforming permits void. All departments, officials and public employees of the county who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this title. Any permit or license, if issued in conflict with the provisions of this title, shall be null and void. (Ord. 264 § 23 (part); July 18, 1938).

22.06.020 Planning commission's duty to enforce. It is the duty of the planning commission to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. (Ord. 264 § 23 (part); July 18, 1938).

22.06.025 Office of zoning administrator. Pursuant to the provisions of Title 7, Chapter 4, Article 2.2 of the Government Code of the state of California, there is hereby established the office of zoning administrator. The zoning administrator shall be nominated by the planning commission and appointed by the board of supervisors. (Ord. 264 § 20.3, added by Ord. 971; April 29, 1958).

22.06.026 Zoning administrator. The zoning administrator may appoint one or more deputy zoning administrators who shall possess the powers and may perform the duties attached by law to the office of zoning administrator. (Ord. 1676 § 1; December 10, 1968).

22.06.030 Sheriff's duty to enforce. It is the duty of the sheriff and the officers of the county herein or otherwise charged by law with the enforcement of this title to enforce the provisions of this title. (Ord. 264 § 23 (part); July 18, 1938).

22.06.035 Citation authority. The planning director and the planning department employees designated by the planning director are authorized to enforce the provisions of this title by the issuance of citations. (Ord. 2917 § 2 (part), 1986: Ord. 2713 § 1, 1982).

22.06.040 Penalties for violations. Any person, firm or corporation whether as principal, agent, employee or otherwise, violating any of the provisions of this title shall be guilty of an infraction and upon conviction thereof shall be punished by (a) a fine not exceeding fifty dollars for a first violation; (b) a fine not exceeding one hundred dollars for a second violation of the same ordinance within one year; (c) a fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year. (Ord. 2713 § 2, 1982: Ord. 264 § 23 (part); July 18, 1938).

22.06.041 Notice of violation. a. Any violation(s) of the provision(s) of Marin County Title 22, Zoning, constitutes cause for filing for the record, with the recorder of the county in which the real property is located, a notice of violation and a lien for the estimated permit costs and penalties. Permit costs will consist of all application fees required for county review and processing of applications necessary to legalize the existing violation(s). Where a violation exists which is strictly prohibited by Marin County Code and no permit process is available to legalize the violation, a lien of five hundred dollars will be recorded, to cover costs of enforcement and abatement.

b. The planning director shall verify the violation and shall cause a tentative notice of violation and a copy of the proposed lien to be mailed to the real property owner ordering corrective action be taken within ten days of receipt of the tentative notice of violation. Should the violation be corrected within the ten days, or application made for any permits necessary to bring the violation into conformance with county code, no further action is required.

c. Subsequent to verification that the violation has not been corrected, the planning director shall at least thirty days prior to the recording of a final notice of violation and lien, cause to be mailed by certified mail return receipt requested, to the then current record owner of the property a notice of intention to record a final notice of violation and lien, as specified herein, specifying a time, date and place at which the owner may present evidence to the advisory agency why a final notice of violation and such lien should not be recorded. If, after the owner has presented evidence, it is determined that there is no violation, or that the violation has been eliminated and the property has been brought into compliance with county code requirements, no further action by the planning director will be required. If it is determined that the violation exists, and if it remains at the end of the thirty-day notice period, the planning director shall record a final notice of violation and a lien of the estimated permit costs and penalties with the county

recorder. The estimated permit costs and penalties shall be re-evaluated at the time of submittal of required applications, or completion of abatement. The notice shall specify the violation, the names of the record owners and shall describe the real property. Final notice of violation, when recorded, shall be deemed to be constructive notice to all successors in interest in such property that such violation(s) exist and that the property is encumbered by certain permit costs and penalties, as cited herein. (Ord. 294 · § 2 (part), 1987).

22.06.042 **Development permits and approvals withheld.** If the planning director, deputy zoning administrator or planning commission finds that the development of such real property for which a notice of violation and lien have been recorded pursuant to this chapter is not contrary to the public health, safety, and general welfare, permits and approvals necessary for development may be issued for such real property. If the acting authority finds that the development of such real property is contrary to the public health, safety or general welfare due to the above-cited violations on the property, permits may be withheld until the violations causing impacts on public health, safety and welfare are eliminated, or the acting authority may issue a conditional approval and may impose such conditions that are necessary to bring the violations into conformance and eliminate the hazard(s) to public health, safety and general welfare. The authority to deny or conditionally approve such a permit or approval, based on the above-referenced findings, shall apply whether the applicant therefor was the owner of the real property at the time of such violation or whether the applicant therefor is the current owner of the real property with or without actual or constructive knowledge of the violation at the time of the acquisition of his interest in such real property. (Ord. 2944 § 2 (part), 1987).

22.06.043 **Removal of notice of violation.** a. The property owner may file an application with the planning director for a release of the recorded notice of violation and the lien if the violation has been eliminated and the property has been brought into compliance with the Marin County Code regulations. The application shall be accompanied by a fee set by the board of supervisors.

b. The application shall be reviewed by the planning department and compliance with Marin County Code shall be verified. Upon verification, the planning director shall file a release of the notice of violation and lien with the county recorder, removing the notice of violation and lien from the property. If the violation has not been eliminated, the application shall be denied by the planning director. (Ord. 2944 § 2 (part), 1987).

22.06.050 **Abatement proceedings.** Any building or structure set up, erected, constructed, altered, enlarged or converted, moved or maintained contrary to the provisions of this title and/or any use of any land, building or premises conducted, operated or maintained contrary to the provisions of this title is unlawful and a public nuisance and the district attorney of the county shall, upon order of the board of supervisors, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building, or structure or using any property contrary to the provisions of this title. (Ord. 1719 § 5; August 5, 1969: Ord. 264 § 23 (part); July 18, 1938).

22.06.060 **Cumulative remedies.** The remedies provided for herein shall be cumulative and not exclusive. (Ord. 264 § 23 (part); July 18, 1938).

Chapter 22.08

DISTRICTS ESTABLISHED

Sections:

22.08.010 **Districts designated.** The districts established by this title are as follows:

NONURBAN GROUP

A-1 Districts: Open rural areas of the county.
A-2 Districts: Limited agricultural districts.
R-A Districts: Suburban agricultural districts.
H-1 Districts: Limited roadside business districts.
O-A Districts: Open area districts.
RCR Districts: Resort and commercial recreation districts.

COMMUNITY GROUP

R-R Districts: Restricted residential districts.
R-E Districts: Residential estate districts.
R-1 Districts: One-family residence districts.
R-2 Districts: Two-family residence districts.

R-3 Districts: Multiple residence districts.
R3A Districts: Multiple residence districts with area regulations.
C-1 Districts: Retail business districts.
C-2 Districts: General commercial districts.
A-P Districts: Administrative and professional districts.
M-1 Districts: Light industrial districts.
M-2 Districts: He .vy industrial districts.

PLANNED GROUP

P-C Districts: Planned community districts.
M-3 Districts: Planned industrial districts.
C-P Districts: Planned commercial districts.

R-P Districts: Planned residential districts.
RSP Districts: Residential, one-family planned districts.
RTP Districts: Residential, two-family planned districts.
RMP Districts: Residential, multiple planned districts.
(Ord. 1623 § 1; February 6, 1968: prior Ord. 1441 § 4, as amended by Ord. 1587; May 23, 1967: Ord. 264 § 3, as amended by Ord. 1227; July 31, 1962).

22.08.020 Combining regulations. In addition to the foregoing districts certain combining regulations are established as set forth in this title, the combining regulations being as follows:

-H: Highway frontage regulations.
B-1: First building site area regulations.
B-2: Second building site area regulations.
B-3: Third building site area regulations.
B-4: Fourth building site area regulations.
B-5: Fifth building site area regulations.
B-6: Sixth building site area regulations.
B-7: Seventh building site area regulations.
B-8: Eighth building site area regulations.
B-D: Special building site area regulations.
-D: Average density regulations.
S-1: First special safety regulations.
S-2: Second special safety regulations.
S-3: Third special safety regulations.
G-1: First multiple residence regulations.
G-2: Second multiple residence regulations.
G-3: Third multiple residence regulations.
G-4: Fourth multiple residence regulations.
(Ord. 1441 § 1; June 1, 1965: prior Ord. 264 § 4, as amended by Ord. 798; January 3, 1956 and Ord. 1053; December 1, 1959).

22.08.030 Establishment of districts. Establishment of districts and certain combinations thereof are hereby established insofar as the designations, locations and boundaries thereof are set forth in and indicated in Section 22.08.040 and certain other sections of this title, each of which other sections is designated by the number 22.08.040 followed by a decimal, which sections describe certain districts, and in Section 22.08.050 and certain other sections of this title, each of which other sections is designated by the number 22.08.050 followed by a decimal, which sections consist of index maps to various sectional district maps, and in Section 22.08.060 and certain other sections of this title, each of which other sections is designated by the number 22.08.060 followed by a decimal, which sections consist of the various sectional districts maps which show the designations, locations and boundaries of certain of said districts, provided, however that any and all lands in the unincorporated areas of the county which are not

described in Sections 22.08.040, 22.08.050 and 22.08.060 are hereby classified as A-2, Limited Agricultural Districts. The maps and all notations, references, data and other information shown thereon are hereby made a part of this title.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on the sectional district maps, the following rules shall apply:

(a) Where boundaries are indicated as approximately following street and alley lines, the street and alley lines shall be construed to be the boundaries.

(b) Where the boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be such boundaries.

(c) In unsubdivided property and where a district boundary divides a lot, the location of any boundary, unless the same is indicated by dimensions shown on the sectional district maps, shall be determined by the use of the scale appearing on the sectional district maps.

(d) In case further uncertainty exists, the zoning administrator, upon written application or upon his own motion, shall determine the location of the boundaries. (Ord. 1492 § 1; January 25, 1966: prior Ord. 264 § 5, as amended by Ord. 971; April 29, 1958).

22.08.040 Marginal districts. Sections 22.08.040.1, 22.08.040.2, etc., will describe certain districts which can be more conveniently designated by descriptions, such as marginal districts along the Redwood Highway, etc. (Ord. 264 § 7; July 18, 1938).

22.08.050 Index maps. Sections 22.08.050.1, 22.08.050.2, shall consist of index maps to sectional district maps. (Ord. 264 § 8; July 18, 1938).

22.08.060 Sectional district maps. Sections 22.08.060.1, 22.08.060.2, etc., will consist of sectional districts maps, to cover districts which can more conveniently be designated on such maps, such as community zoning for Kentfield, Homestead Valley, etc. (Ord. 264 § 9; July 18, 1938).

22.08.070 Effect of establishment of districts. Except as hereinafter otherwise provided:

(a) No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land or building be used, designed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which the building or land is located.

(b) No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(c) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, building location and building site area regulations hereinafter designated for the district in which the building or open space is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. No yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot. (Ord. 264 § 6, 1938).

Chapter 22.10

A- DISTRICTS–AGRICULTURAL AND CONSERVATION DISTRICTS

Sections:

22.10.010 Application of regulations. The following regulations shall apply in all districts designated as A-3 through A-60 or greater and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 2949 § 2 (part), 1987: Ord. 1952 § 1 (part), 1973: Ord. 1842 § 1 (part), 1971).

22.10.020 Uses permitted. (a) The following uses are permitted in all A-Districts:

(1) Dairying;

(2) Grazing or breeding of cattle or sheep;

(3) Raising or keeping of poultry, fowl (including game birds), rabbits or goats or similar animals;

(4) Fish hatcheries and rearing ponds; oyster farming;

(5) Crop, vine or tree farm, truck garden, greenhouse, horticulture;

(6) Farm and ranch buildings including dwellings, stables, barns, pens, corrals, or coops; structures for killing, dressing, packing or handling products raised on the premises, but not including an abattoir for cattle, sheep or hogs; dwellings shall be incidental to the agricultural use of the land for the residence of the owner or lessee of the land and the family of the owner or lessee, or for their employees engaged in the agricultural use of the land; agricultural use of the land means agriculture as the primary or principal use of the land as demonstrated by the applicant to the satisfaction

of the planning director; the planning director shall refer any such question to the Marin County agricultural advisory committee for recommendation prior to making any such determination; the total number of dwellings shall not exceed the density permitted in the district; where dormitories or communal living quarters are proposed instead of self-contained dwelling units, accommodation of three persons shall be considered equivalent of one dwelling unit;

(7) One-family dwellings, detached or attached;

(8) Grazing, breeding or training of horses; horse stables, including riding academies and boarding facilities;

(9) The maintenance of land in its natural state for the purpose of preserving land for recreation, or for plant, animal or mineral preserves;

(10) Horseback riding or hiking trails;

(11) Public or private hunting of wildlife, or fishing;

(12) Public or private hunting or fishing clubs and accessory structures;

(13) Erection, construction, alteration or maintenance of gas, electric, water, communication or flood control facilities as approved by the appropriate governmental agencies;

(14) Accessory buildings and accessory uses, including guest house.

(b) The following uses, subject to the securing of a use permit in each case:

(1) Hog ranch;

(2) Aircraft landing strip;

(3) Facilities for processing or retail sale of agricultural products;

(4) Commercial storage and sale of garden supply products;

(5) Animal hospitals and dog kennels;

(6) Oil and gas well drilling and production operations and facilities related thereto;

(7) Mining and quarrying; and production operations and facilities related thereto;

(8) Timber harvesting in accordance with the regulations of Title 23 of the Marin County Code;

(9) Rifle or pistol practice range, trap or skeet field, archery range or other similar use;

(10) Rodeo arena and related facilities;

(11) Golf course or driving range and related facilities;

(12) Motorcycle riding trails;

(13) Institutional uses and the facilities necessary therefor, related to educational, scientific, recreational or religious purposes;

(14) Mobile homes so long as they are used exclusively for employees of the owner who are actively and directly engaged in the agricultural use of the land;

(15) Storage and sale of building materials;

(16) Dump;

(17) Junkyard;

(18) Farm and ranch buildings including dwellings incidental to the agricultural use of the land exceeding the densities permitted in the district.

In addition to the findings required by Chapter 22.88, the zoning administrator shall find that such dwellings are required for agriculture as a primary or principal use of the land. The zoning administrator shall refer any such question to the Marin County agricultural advisory committee for recommendation prior to making any such finding;

(19) Any recreational use within the purview of Section 51050 of the Government Code, and not enumerated above;

(20) Wild animal ranch. (Ord. 2727 § 7, 1982; Ord. 2407 § 1 (part), 1979; Ord. 2345 § 1, 1978: Ord. 2066 § 1, 1974: Ord. 2017 § 1 (part), 1973; Ord. 1952 § 1 (part), 1973: Ord. 1842 § 1 (part), 1971).

22.10.030 Building site area and width required. Property development standards are subject to the following table:

	A-3	A-5	A-10	A-15	A-20	A-30	A-40	A-60
Minimum area:	3 acres	5 acres	10 acres	15 acres	20 acres	30 acres	40 acres	60 acres
Minimum width:	150 feet	200 feet	200 feet	250 feet	250 feet	400 feet	500 feet	500 feet
Building height:	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Front yard:	30 feet	30 feet	30 feet	40 feet	50 feet	50 feet	50 feet	50 feet
Side yard:	30 feet	30 feet	30 feet	40 feet	50 feet	50 feet	50 feet	50 feet
Rear yard:	30 feet	30 feet	30 feet	40 feet	50 feet	50 feet	50 feet	50 feet

(Ord. 1994 § 1, 1973: Ord. 1952 § 1 (part), 1973: Ord. 1842 § 1 (part), 1971).

22.10.040 Exceptions to Section 22.10.030. Any parcel of land zoned in accordance with this chapter having an area and/or width less than required under Section 22.10.030 may be used in accordance with this chapter, provided:

(a) The parcel was under one ownership on September 2, 1971, the effective date of this chapter; and

(b) The owner thereof owned or has owned no adjoining land; and

(c) No succeeding owner has owned adjoining land; and

(d) The parcel is shown as a lot on any subdivision map or parcel map or record of survey which was recorded on or after September 2, 1938, in the office of the county recorder after approval of the map in the manner provided by law. (Ord. 1952 § 1 (part), 1973: Ord. 1842 § 1 (part), 1971).

22.10.050 Distance between buildings on same lot. On land under agreement pursuant to Section 51050 of the Government Code, no main building shall be closer than one hundred feet to any other main building on the same lot except farm or ranch buildings listed in Section 22.12.020(A)(6). (Ord. 1952 § 1 (part), 1973: Ord. 1842 § 1 (part), 1971).

22.10.060 Clustering of lots. In any A district, the county may approve or may require the clustering of one-family dwellings; the building site area, average width and yard requirements of Section 22.10.030 may be waived to allow for clustering of one-family dwellings.

(a) The number of dwelling units shall be determined by dividing the total acreage of the parcel by the number attached to the A district in which the parcel is located.

(b) The design of the cluster shall be determined in accordance with the provisions of Section 22.47.010. (Ord. 2141 § 1, 1975; Ord. 2059 § 1, 1973: Ord. 1952 § 1 (part), 1973).

Chapter 22.12

A-2 DISTRICTS – LIMITED AGRICULTURAL DISTRICTS

Sections:

22.12.010 Applications of regulations. The following regulations shall apply in all A-2 districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.1 (part), 1938).

22.12.020 **Uses permitted.** The following uses are permitted in all A-2 districts:

(1) All agricultural uses as defined in Section 22.02.020 of this title; provided, however, that no hog ranch or livestock feed yard shall be established in any A-2 districts unless and until a use permit shall first have been secured therefor;

(2) Processing of agricultural products, except that where the agricultural products to be processed will not be produced wholly on the premises, a use permit shall first have been secured in each case;

(3) Stables, riding academies and dog kennels;

(4) Dog kennels having six or less dogs;

(5) Dog kennels having seven or more dogs are permitted only upon the securing of a use permit;

(6) All uses permitted in R-1 districts;

(7) Philanthropic and charitable institutions, hospitals, rest homes, sanitariums, clinics and other buildings used for similar purposes, subject to the securing of a use permit in each case;

(8) Accessory buildings and accessory uses;

(9) The same regulations as to signs shall apply as in A-1 districts;

(10) No wild animal ranch shall be established unless and until a use permit first has been secured therefor. (Ord. 2949 § 2 (part), 1987: Ord. 2407 § 1, (part), 1979; Ord. 1468 § 1, 1965: Ord. 270 (part), 1939: Ord. 264 § 11.1(a), 1938).

22.12.030 **Yards required.** The following yard requirements shall apply in all A-2 districts:

Same as specified for R-1 districts. (Ord. 463 (part), 1948: Ord. 264 § 11.1(b), 1938).

22.12.040 Building site area and width required. The following building site area and width shall apply in all A-2 districts:

(1) Minimum area: Two acres;

(2) Minimum width: One hundred feet;

(3) Exceptions: Any parcel of land having an area of less than two acres and/or an average width of less than one hundred feet may be used as a building site for a one family dwelling by the owner of such parcel of land or by his successor in interest, provided:

(a) On or after September 2, 1938, the owner of the parcel owned or has owned no adjoining land, and

(b) No succeeding owner has owned adjoining land, or

(c) The parcel is shown as a lot on any subdivision map or parcel map or record of survey which was recorded on or after September 2, 1938, in the office of the county recorder after approval of the map or record of survey in the manner provided by law. (Ord. 1832 § 1, 1971: Ord. 264 § 11.1(c), 1938).

Chapter 22.14

R-A DISTRICTS–SUBURBAN AGRICULTURAL DISTRICTS

Sections:

22.14.010 Application of regulations. The following regulations shall apply in all R-A districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.5 (part), 1938).

22.14.020 Uses permitted. The following uses are permitted in all R-A districts:

(1) All uses permitted in R-1 districts;

(2) Small livestock farming; provided, that not to exceed one horse or one cow, or one hog, or three goats or other similar livestock may be kept for each twenty thousand square feet of area of the parcel of land upon which the same are kept, to a maximum of three horses or three cows or

three hogs or six goats or other similar livestock maintained in any one establishment;

3. In any R-A district a dairy may be conducted on any parcel of land not less than five acres in area;

4. Sale of agricultural products produced on the premises, provided that no building or structure shall be erected or maintained primarily for any such sale, except that a temporary shelter may be erected for such sale upon the securing of a use permit therefor;

5. Public and private stables and riding academies upon the securing of a use permit for each case of any such use;

6. Accessory buildings and accessory uses;

7. The same regulations as to signs shall apply as in A-1 districts. (Ord. 463 (part), 1948: Ord. 264 § 11.5(a), 1938).

22.14.030 Yards required. The following yard requirements shall apply in all R-A districts:

Same as specified for R-1 districts (Ord. 264 § 11.5(b), 1938).

22.14.040 Building site area required. The following building site area shall be required in all R-A districts:

Same as specified for R-1 districts. (Ord. 264 § 11.5(c), 1938).

22.14.050 Location of livestock accessory buildings. No livestock or any building used in connection with the same shall be located or maintained on any lot closer than forty feet to the street upon which the lot faces or closer than twenty feet to any dwelling on the same lot or closer than twenty feet to any front one hundred feet of any contiguous lot. (Ord. 463 (part), 1948: Ord. 264 § 11.5(d), 1938).

Chapter 22.16

H-1 DISTRICTS–LIMITED ROADSIDE BUSINESS DISTRICTS

Sections:

22.16.010 Application of regulations. The following regulations shall apply in all H-1 districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.8 (part), 1938).

22.16.020 Uses permitted. The following uses are permitted in all H-1 districts:

(1) All uses permitted in R-3 districts, except that no one-family, two-family or multiple dwelling may be established unless or until a use permit has been secured therefor. Such use permit shall prescribe, in each case, standards for building height, density, access, on-site parking, landscaping, yards, minimum building site area and such other matter deemed pertinent, which standards shall apply in lieu of the regulations otherwise specified by the provisions of this section. Such use permit shall not be issued unless it is found that the establishment of the use will be compatible with the purposes of the H-1 district and the existing and anticipated uses in such district.

(2) The following uses, upon the securing of a use permit in each case, which use permit shall prescribe conditions as to area of building site, dimensions of yards, provisions of adequate automobile standing space, signs which may be displayed and such other matters as may be deemed to be necessary, which conditions shall be in lieu of the regulations specified by the provisions of this section for any matters covered by such conditions:

(A) Automobile courts;

(B) Automobile service stations, but not including junk yards, automobile wrecking or the storage of used automobile parts or of junk. Establishment of self-service stations or conversion of existing full-service stations to self-service stations will require a use permit subject to periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance;

(C) The renting of parking space for automobiles;

(D) Restaurants, refreshment stands and retail stores.

(3) Nurseries and greenhouses.

(4) Accessory buildings incidental to any of the above uses. (Ord. 2878 § 2 (part), 1985: Ord. 1462 § 1, 1985: prior Ord. 264 § 11.8(a), 1938).

22.16.030 Building site area required. The following building site area is required in all H-1 districts: Same as specified for R-1 districts. (Ord. 264 § 11.8(b), 1938).

22.16.040 Front yard required. The following front yard is required in all H-1 districts: Thirty feet; provided, however, that in case a building line for the street on which any lot faces is established by the provisions of any applicable ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line. (Ord. 264 § 11.8(c), 1938).

22.16.050 Side and rear yards required. The following side and rear yards are required in all H-1 districts: Same as specified for C-1 districts. (Ord. 463 (part), 1948; Ord. 264 § 11.8(d), 1938).

Chapter 22.18

R-R DISTRICTS - RESTRICTED RESIDENTIAL DISTRICTS

Sections:

22.18.010 Application of regulations. The following regulations shall apply in all R-R districts and shall with the following exceptions be subject to the provisions of Chapters 22.66 through 22.74 of this title: Sections 22.68.010, 22.68.020, 22.68.030, 22.68.040, 22.68.050, 22.70.010, 22.70.030, 22.70.040 and Section 22.72.080, the portion of the first paragraph reading as follows: ". . .; provided however that where the slope of the front half of the lot is greater than one foot rise or fall in a distance of five feet from the established street elevations at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation, a private garage may be built to within three feet of the front and side lines of the lot" shall not apply to R-R districts. (Ord. 1066 (part), 1960: Ord. 264 § 11.10 (part), 1938).

22.18.020 Uses permitted. The following uses are permitted in all R-R districts:

(1) One-family dwellings;

(2) Nurseries and greenhouses, but not including any salesrooms or other buildings for the sale of any products unless and until a use permit is secured therefor;

(3) Golf courses, country clubs, tennis courts and similar noncommercial recreational uses subject to the securing of a use permit in each case;

(4) Accessory buildings and accessory uses. (Ord. 2060 § 1, 1973: Ord. 1066, 1960: Ord. 244 § 11.10(a), 1938).

22.18.030 Building height limit. The following building height limit shall apply in all R-R districts:

Same as specified for R-1 districts. (Ord. 264 § 11.10(b) added by Ord. 1066, 1960).

22.18.040 Building site area required. The following building site area is required in all R-R districts:

Same as specified for R-1 districts. (Ord. 264 § 11.10(c) added by Ord. 1066, 1960).

22.18.050 Front, side and rear yard requirements. The following front, side and rear yard requirements shall apply in all R-R districts:

Same as specified for R-1 districts. (Ord. 264 § 11.10(d) added by Ord. 1066, 1960).

Chapter 22.20

R-E DISTRICTS – RESIDENTIAL ESTATES DISTRICTS

Sections:

22.20.010 Application of regulations. The following regulations shall apply in all R-E districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.11 (part), 1938).

22.20.020 Uses permitted. The following uses are permitted in all R-E districts:

(1) One-family dwellings;

(2) Public parks and playgrounds;

(3) Crop and tree farming and truck gardening;

(4) Nurseries and greenhouses, but not including any salesroom or other building used for the sale of the products thereof;

(5) Any agricultural use which is appurtenant to and accessory to the domestic establishment of any use permitted in the district;

(6) Home occupations, provided that there shall be no external evidence of any home occupation except a name plate not exceeding one square foot in area, and provided, further, that there shall be no red illumination of any such name plate;

(7) Schools, libraries, museums, churches, retreats, monasteries, convents, golf courses, country clubs, polo fields, tennis courts and similar noncommercial recreational uses, subject to the securing of a use permit in each case;

(8) Accessory buildings and accessory uses, including servants' quarters and noncommercial guest houses. (Ord. 2060 § 2, 1973: Ord. 264 § 11.11(a), 1938).

22.20.030 Building site area required. The following building site area is required in all R-E districts:

Same as specified for R-1 districts. (Ord. 264 § 11.11(b), 1938).

22.20.040 Front, side and rear yards required. The following front, side and rear yard requirements shall apply in all R-E districts:

Same as specified for R-1 districts. (Ord. 264 § 11.11(c), 1938).

Chapter 22.22

R-1 DISTRICTS – ONE-FAMILY RESIDENCE DISTRICTS

Sections:

22.22.010 Application of regulations. The following regulations shall apply in all R-1 districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.12 (part), 1938).

22.22.020 Uses permitted. The following uses are permitted in all R-1 districts:

(1) One-family dwellings;

(2) Public parks and public playgrounds;

(3) Crop and tree farming and truck gardening;

(4) Nurseries and greenhouses, but not including any salesrooms or other buildings for the sale of any products unless and until a use permit is secured therefor;

(5) Home occupations, provided that there shall be no external evidence of any home occupation except a sign as permitted by Chapter 22.69;

(6) Schools, libraries, museums, churches, retreats, monasteries, convents, golf courses, country clubs, tennis courts and similar noncommercial recreational uses, and day child-care centers for six or more children, subject to the securing of a use permit in each case;

(7) Accessory buildings and accessory uses. (Ord. 2933 § 2 (1), 1987; Ord. 2884 § 3, 1985; Ord. 2060 § 3, 1973: Ord. 1787 § 1, 1970: Ord. 1719 § 6, 1969: Ord. 1686 § 1, 1969: Ord. 774, 1955: Ord. 264 § 11.12(a), 1938).

22.22.030 Building height limit. The building height limit in all R-1 districts shall be as follows:

Two and one-half stories but not exceeding thirty-five feet in height. (Ord. 264 § 11.12(b), 1938).

22.22.040 Building site area required. Each one-family dwelling, together with its accessory buildings, hereafter erected, shall be located on a building site in one ownership, having an area of not less than seven thousand five hundred square feet, and an average width of not less than sixty feet; provided, however, that any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any R-1 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall there be more than one dwelling on any one lot. (Ord. 1486 § 1, 1966; Ord. 463, 1948; Ord. 264 § 11.12(c), 1938).

22.22.050 Front yard required. Each lot shall have a front yard not less than twenty-five feet in depth, except as otherwise specified for any B district in which such lot is located; provided, however, that in case a building line for the street on which any lot faces is established by the provisions of any applicable ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line. (Ord. 264 § 11.12(d), 1938).

22.22.060 Side yards required. Each lot, except as otherwise specified

for any B district in which the lot is located, shall have side yards each having a width of not less than six feet; provided, however, that on a corner lot the side yard on the street side of the corner shall have a width equal to ten feet. (Ord. 1454 § 2; August 17, 1965: prior Ord. 264 § 11.12 (e), as amended by Ord. 463; December 8, 1948).

22.22.070 Rear yard required. Each lot shall have a rear yard of a depth equal to not less than twenty percent of the depth of the lot to a maximum required depth of twenty-five feet for such rear yard. (Ord. 264 § 11.12 (f); July 18, 1938).

22.22.080 Floor area ratio. The floor area ratio of structures hereafter constructed or enlarged shall not exceed .3, except as otherwise specified for any B district in which the lot is located. (Ord. 1454 § 3; August 17, 1965).

Chapter 22.24

R-2 DISTRICTS–TWO-FAMILY RESIDENCE DISTRICTS

Sections:

22.24.010 Application of regulations. The following regulations shall apply in all R-2 districts and shall be subject to the provisions of Chapters 22.66 through 22.74. (Ord. 264 § 11.13 (part); July 18, 1938).

22.24.020 Uses permitted. The following uses are permitted in all R-2 districts:

1. All uses permitted in R-1 districts, subject to the securing of a use permit for any use for which a use permit is required in an R-1 district;
2. Two-family dwellings;
3. Accessory buildings and accessory uses. (Ord. 264 § 11.13 (a); July 18, 1938).

22.24.030 Building height limit. The following height limits shall apply in all R-2 districts:

Two and one-half stories but not exceeding thirty-five feet in height. (Ord. 264 § 11.13 (b); July 18, 1938).

22.24.040 Building site area requirement. (1) A two-family dwelling may be built on either of the following parcels:

(a) A parcel having not less than seven thousand five hundred square feet and an average width of not less than sixty feet;

(b) A parcel having less than seven thousand five hundred square feet and less than sixty feet average width, but at least four thousand square feet and forty feet average width, which was under one ownership on November 29, 1968, and which owner or successive owners thereof do not own adjoining land;

(2) A one-family dwelling may be built on any parcel, subject to the requirements of Section 22.22.040. (Ord. 1670 § 1; October 29, 1968: Ord. 264 § 11.13 (c); July 18, 1938).

22.24.050 Front, side and rear yards required. The following front, side and rear yard requirements shall apply in all R-2 districts:

Same as specified for R-1 districts. (Ord. 264 § 11.13 (d); July 18, 1938).

Chapter 22.26

R-3 DISTRICTS–MULTIPLE RESIDENCE DISTRICTS

Sections:

22.26.010 Application of regulations. The following regulations shall apply in all R-3 districts and shall be subject to the provisions of Chapters 22.66 through 22.74. (Ord. 264 § 11.14 (part); July 18, 1938).

22.26.020 Uses permitted. The following uses are permitted in all R-3 districts:

1. All uses permitted in R-1 districts, without regard to the securing of a use permit for any such use, except day child-care centers of six or more children;
2. Two-family dwellings, multiple dwelling and dwelling groups;
3. Lodges and fraternity and sorority houses;
4. Museums not operated for profit;

5. In an apartment house designed, constructed or used for twenty-four or more families and in a hotel designed, constructed or used for fifty or more guest rooms, there may be conducted a business incidental thereto for the convenience of the occupants and the guests thereof; provided, that there will be no entrance to such business except from the inside of the building in which the same is located, and that the floor area used for business purposes shall not exceed twenty-five percent of the ground floor area of the building; and provided further, that no street frontage of any building shall be used for a business and that no sign shall be exhibited on the outside of a building in connection with the business;

6. The following uses, subject to the securing of a use permit in each case:

(a) Hospitals, rest homes, sanitariums, clinics and other buildings used for similar purposes,

(b) Philanthropic and charitable institutions,

(c) Automobile courts,

(d) Hotels,

(e) Day child care centers of six or more children,

(f) Offices;

7. Accesory buildings and accessory uses. (Ord. 1929 § 1, 1972: Ord. 1709 §§ 1, 2, 1969; Ord. 973 (part), 1958: Ord. 264 § 11.14(a), 1938).

22.26.030 Building height limit. The following height limitations shall apply in all R-3 districts:

Three stories but not exceeding forty-five feet in height. (Ord. 264 § 11.14(b), 1938).

22.26.040 Building site area required. The following building site area shall be required in all R-3 districts:

Same as specified for R-1 districts, except that there may be more than one dwelling on one lot. (Ord. 264 § 11.14(c), 1938).

22.26.050 Percentage of lot coverage. The buildings, including accessory buildings, on any lot shall not cover more than forty percent of the area of the lot. (Ord. 264 § 11.14(d), 1938).

22.26.060 Front yard required. Each lot shall have a front yard not less than twenty feet in depth, except as otherwise specified for any B district in which the lot is located; provided, however, that in case a building line for the street on which any lot faces is established by the provisions of any applicable ordinance, then the front yard on the lot shall have a depth of not less than the distance from the street line specified for such building line. (Ord. 264 § 11.14(e), 1938).

22.26.070 Side yard required. Side yard requirements in all R-3 districts shall be the same as specified for R-1 districts, except as hereinafter specified

for dwelling groups; provided, that for any building of three stories in height, the width herein required for each side yard shall be increased by one foot. (Ord. 264 § 11.14(f), 1938).

22.26.080 **Rear yard required.** Each lot shall have a rear yard of a depth of not less than fifteen feet, except as hereinafter specified for dwelling groups. (Ord. 264 § 11.14(g), 1938).

22.26.090 **Distance between buildings on same lot.** No main building shall be closer than twenty feet to any other main building on the same lot, except as hereinafter specified for dwelling groups. (Ord. 264 § 11.14(h), 1938).

22.26.100 **Dwelling groups.** The following additional regulations shall apply to dwelling groups:

(a) In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear, et seq. (i.e., in a front to back series), no building shall be closer than twenty feet to any other building.

(b) In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the side yard (i.e., in a single row side-to-side series), the side yard to the rears thereof shall have a width of not less than ten feet, and the side yard to the fronts thereof shall have a width of not less than fifteen feet.

(c) In case the buildings of the group are so located on the lot that the rears thereof abut upon either side yard and the fronts thereof face a court (i.e., in a double row side-to-side series), each side yard shall have a width of not less than ten feet and the court shall have a width of not less than twenty-five feet.

(d) No building shall be so located on the lot that the rear thereof abuts on any street line.

(e) In no case shall any building of the group be closer than ten feet to any other building of the group.

(f) Each lot upon which a dwelling group is constructed shall have a rear yard of a depth of not less than ten feet; provided, however, that there may be deducted from the width a portion of the width of any public street, alley or park upon which the rear yard abuts, to an extent not exceeding five feet. (Ord. 264 § 11.14(i), 1938).

22.26.110 **Number of dwelling units per site.** In order to preserve the relatively low density of residential development which is characteristic of the county and deemed essential to the continued public welfare, to assure the provision of adequate open space about multiple residence structures, to encourage the landscaping of a reasonable portion of each building site, to minimize the alteration of the natural contours of the land by excessive cuts and fills and to provide for vehicular access to multiple dwellings without impairing the general use of adjacent streets,

the number of dwelling units which may hereafter be constructed on any building site in an R-3 district shall be limited by each of the regulations hereinafter set forth:

(1) On any building site, the number of dwelling units shall not exceed the number obtained by dividing the building site area in square feet by one thousand, adjusted to the nearest whole number.

(2) There shall be provided and maintained with all-weather surfacing on each building site, independently accessible parking spaces as required per Chapter 22.74.

(3) The percentage of the building site area occupied collectively by buildings, accessory buildings, parking spaces, access driveways and turning areas shall not exceed eighty percent, and the application for a building permit shall show the proposed landscape treatment of the remainder of the lot.

(4) For the purpose of this subsection, the building site area shall not be deemed to include any portion of the lot which will be occupied by an artificial cut or embankment, not to be covered by the building, having a finished slope in excess of one foot rise or fall in a horizontal distance of two feet. (Ord. 2597 § 1, 1981: Ord. 1039, 1959: Ord. 264 § 11.14 (j), 1938).

Chapter 22.28

R-3-A DISTRICTS–MULTIPLE RESIDENCE DISTRICTS

Sections:

22.28.010 Application of regulations. The following regulations shall apply in all R-3-A districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 903 (part), 1957: Ord. 264 § 11.141 (part), 1938).

22.28.020 Uses permitted. The following uses are permitted in all R-3-A districts:

1. All uses permitted in R-1 districts, subject to the securing of a use permit for any use for which a use permit is required in a R-1 district.

2. Two-family dwellings, multiple dwellings and dwelling groups.

3. Accessory buildings and accessory uses. (Ord. 903 (part), 1957: Ord. 264 § 11.141 (a), 1938).

22.28.030 Building height limit. The following building height limitations shall apply in all R-3-A districts:

Two stories but not exceeding thirty feet in height. (Ord. 903 (part), 1957: Ord. 264 § 11.141 (b), 1938).

22.28.040 Building site area required. The following building site area requirements shall apply in all R-3-A districts:

Same as specified for R-1 districts, except that in any building or group of buildings there shall be a minimum land area of two-thousand five hundred square feet for each one-family dwelling unit. (Ord. 903 (part), 1957: Ord. 264 § 11.141 (c), 1938).

22.28.050 Percentage of lot coverage. The buildings, including accessory buildings, on any lot shall not cover more than forty percent of the area of such lot. (Ord. 903 (part), 1957: Ord. 264 § 11.141 (d), 1938).

22.28.060 Front yard required. The front yard requirements shall be the same as specified for R-3 districts. (Ord. 903 (part), 1957: Ord. 264 § 11.141(e), 1938).

22.28.070 Side yard required. The side yard requirements in all R-3-A districts shall be the same as specified for R-1 districts, except as hereinafter specified for dwelling groups; provided that on a corner lot the side yard on the street side of such corner lot shall have a width equal to fifteen feet for a carport or garage portion of any structure. (Ord. 903 (part), 1957: Ord. 264 § 11.141 (f), 1938).

22.28.080 Rear yard required. The following rear yard requirements shall apply in all R-3-A districts:

Each lot shall have a rear yard of a depth equal to not less than twenty-five feet. (Ord. 903 (part), 1957: Ord. 264 § 11.141 (g), 1938).

22.28.090 Off-street parking required. In addition to the off-street parking required by Chapter 22.74 of this title, there shall be provided one single carport or one single garage for each one-family dwelling unit. (Ord. 903 (part), 1957: Ord. 264 § 11.141(h), 1938).

22.28.100 Distance between buildings on same lot. The distance between buildings on the same lot in all R-3-A districts shall be the same as specified for R-3 districts. (Ord. 903 (part), 1957: Ord. 264 § 11.141 (i), 1938).

22.28.110 Additional regulations. Additional regulations which shall apply to dwelling groups are as set forth in Section 22.26.100, subsections (a), (b), (c), (d), (e). (Ord. 264 § 11.141 (j) added by Ord. 903; June 18, 1957).

Chapter 22.30

G DISTRICTS

Sections:

22.30.010 Application of regulations. The following G districts may be combined with an R-3 district in which case the resulting R-3:G district shall be governed by the regulations for R-3 district, by the regulations for the respective G district and by the regulations in this chapter; provided, however. that if any of the regulations specified in this chapter or for the respective G district differ from or conflict with any of the corresponding regulations specified for the R-3 district, then in such case the regulations of the respective G district and this chapter shall apply. (Ord. 264 § 11.145 (a) (part) added by Ord. 1053; December 1, 1959).

22.30.020 G-1 districts. The following regulations shall apply to G-1 districts:

(a) Distance between buildings, twelve feet;

(b) Density: On each building site, the number of dwelling units shall not exceed the number obtained by dividing the building site area in square feet by one thousand five hundred, adjusted to the nearest whole number. (Ord. 264 § 11.145 (a) (1) added by Ord. 1053; December 1, 1959).

22.30.030 G-2 districts. The following regulations shall apply in G-2 districts:

(a) Uses permitted: All uses permitted in R-3 districts except that a use permit must first be secured for any use for which a use permit is required in R-1 districts;

(b) Front yard depth: Twenty-five feet;

(c) Side yard width: Ten feet;

(d) Density: On each building site, the number of dwelling units shall

not exceed the number obtained by dividing the building site area in square feet by two thousand, adjusted to the nearest whole number;

(e) Outdoor living space for each dwelling unit: Two hundred square feet. (Ord. 1684 § 1; January 28, 1969: Ord. 264 § 11.145 (a) (2) added by Ord. 1053; December 1, 1959).

22.30.040 G-3 districts. The following regulations shall apply in G-3 districts:

(a) Uses permitted: All uses permitted in R-1 districts, two-family dwellings and multiple dwellings;

(b) Front yard depth: Twenty-five feet;

(c) Side yard width: Ten feet;

(d) Density: On each building site, the number of dwelling units shall not exceed the number obtained by dividing the building site area in square feet by two thousand five hundred, adjusted to the nearest whole number;

(e) Outdoor living space for each dwelling unit: Three hundred square feet. (Ord. 1684 § 2; January 28, 1969: Ord. 264 § 11.145 (a) (3) added by Ord. 1053; December 1, 1959).

22.30.050 G-4 districts. The following regulations shall apply in G-4 districts:

(a) Uses permitted: All uses permitted in R-1 districts, two-family dwellings and multiple dwellings;

(b) Front yard depth: Twenty-five feet;

(c) Side yard width: Ten feet for the first story and fifteen feet for the second or third story. For this provision, a half-story shall be counted the same as a full story;

(d) Density: On each building site, the number of dwelling units shall not exceed the number obtained by dividing the building site area in square feet by three thousand five hundred, adjusted to the nearest whole number;

(e) Outdoor living space for each dwelling unit: Four hundred square feet. (Ord. 1684 § 3; January 28, 1969: Ord. 264 § 11.145 (a) (4) added by Ord. 1053; December 1, 1959).

22.30.060 Building defined. For the purposes of this chapter any building, containing a dwelling unit, shall be considered a main building. (Ord. 264 § 11.145 (b) added by Ord. 1053; December 1, 1959).

22.30.070 Exterior walls. In all G-2, G-3 and G-4 districts every building shall be constructed in such a manner that each dwelling unit will have

at least two exterior walls that are not common to any other enclosed space. For this section, a surface shall be deemed a wall if it has minimum vertical and horizontal dimensions of eight feet. (Ord. 1053 (part), 1959: Ord. 264 § 11.145(c), 1938).

22.30.080 Lot coverage. "Lot coverage" means the horizontal space covered by all structures excluding that portion of those architectural features which is allowed to extend into any required yard as specified in Chapters 22.66 through 22.74 of this title. (Ord. 1053 (part), 1959: Ord. 264 § 11.145(d), 1938).

22.30.090 Outdoor living space. "Outdoor living space," as used in this chapter, shall have no other primary use and may include a deck having a minimum dimension of six feet, and ground having a slope no greater than five percent and minimum dimension of twelve feet. At least one-half the required outdoor living space shall be immediately available to and private for the occupants of each dwelling unit while the remainder may be furnished in common areas available to other occupants of the building or buildings on the site. Front yards, with the exception of allowable deck projections, may be used only as a common area. (Ord. 1053 (part), 1959: Ord. 264 § 11.145(e), 1938).

Chapter 22.31

VCR DISTRICT – VILLAGE COMMERCIAL – RESIDENTIAL DISTRICT

Sections:

22.31.010 Purposes. The purposes of the district created in this chapter are as follows:

(1) Maintain the established character of village commercial areas;

(2) Promote village commercial self-sufficiency;

(3) Foster opportunities for village commercial growth;

(4) Maintain a balance between resident and nonresident commercial uses;

(5) Protect, without undue controls, established residential, commercial, and light industrial uses;

(6) Maintain community scale. (Ord. 2269 § 1 (part), 1977).

22.31.020 **Application of regulations.** The regulations prescribed in this chapter shall apply in all VCR districts and shall be subject to th provisions of Chapters 22.66 through 22.74. (Ord. 2269 § 1 (part), 1977).

22.31.030 **Uses permitted.** The following are uses permitted in this district:

(1) Accessory uses and structures;

(2) Crop and tree farming, truck gardening, nurseries and greenhouses;

(3) Home occupations;

(4) Public parks and playgrounds;

(5) Single-family dwellings;

(6) Stores and shops for the conduct of the following purposes:

Barbershops, beauty shops, hardwares, laundries, dry cleaning, groceries, liquor, men's, women's, and children's clothing and furnishings, shoe stores, professional offices, banks, off-street parking facilities in conjunction with permitted uses, coffee shops and cafes which accommodate not more than twenty-five patrons and which do not serve alcoholic beverages or live entertainment, and those uses which, in the opinion of the zoning administrator, are substantially similar to the foregoing.

(7) Transit waiting shelters. (Ord. 2269 § 1 (part), 1977).

22.31.040 **Conditional uses.** The following are uses permitted by a use permit in all VCR districts:

(1) Automobile service stations; establishment of self-service stations or conversion of existing full-service stations to self-service stations will require a use permit subject to periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance;

(2) Bars and taverns;

(3) Building material sales and storage, cabinet and furniture manufacture and repair; boat manufacturing, draying or truck terminals and storage facilities, warehousing;

(4) Commercial off-street parking facilities;

(5) Drive-in restaurants and take-out food establishments;

(6) Hotels and motels exceeding twenty-five guest rooms;

(7) Meeting halls, theatres, and similar places of public assembly;

(8) Public utility uses, including electric substations, telephone exchanges, transit terminals;

(9) Restaurant accommodations more than twenty-five patrons and/or which serve alcoholic beverages and/or provide live entertainment;

(10) Sales, service, and repair of new and used vehicles, excluding junkyards and vehicle dismantlers;

(11) Schools, libraries, churches, child and day care centers, museums;

(12) Stores and shops for the conduct of the following uses: Gift and curio shops, art galleries, handcrafts, antique sales;

(13) Two-family and multiple dwellings;

(14) Veterinary hospitals and pet clinics. (Ord. 2878 § 2 (part), 1985: Ord. 2301 § 1, 1977: Ord. 2269 § 1 (part), 1977).

22.31.050 Performance standards. All uses, whether permitted or authorized by use permit, shall conform to the following performance standards:

(1) All uses, except outdoor dining areas, agricultural uses, parks and playgrounds, new and used car sales, shall be conducted entirely within buildings or be enclosed by solid screen fences.

(2) No use shall produce or create any external evidence of interior operations such as dust, odor, noise, or vibration except for signs and advertising displays authorized by Section 22.31.100.

(3) All new uses and structures shall be subject to design review, as provided by Chapter 22.82. (Ord. 2269 § 1 (part), 1977).

22.31.060 Building height limits. Building height limit shall be two stories, but not exceeding thirty-five feet in height. (Ord. 2269 § 1 (part), 1977).

22.31.070 Bulk and open space requirements. Bulk and open space requirements shall be individually determined through design review procedures for any proposed new developments or improvements, alterations or additions to existing improvements; provided, however, that the minimum parcel area for any new residential parcel to be created within any VCR district shall not be less than seven thousand five hundred square feet, and the maximum density for any proposed new residential development within any VCR district shall not be more than one dwelling unit per each two thousand square feet of parcel area. (Ord. 2727 § 8, 1982: Ord. 2301 § 2, 1977: Ord. 2269 § 1 (part), 1977).

22.31.080 Off-street parking required. All new structures shall provide off-street parking pursuant to the provisions of Chapter 22.74. Required off-street parking may be screened and/or landscaped. The amount or area devoted to landscaping may include the open space required by Section 22.31.070. If practical difficulties are encountered in providing off-street parking on the same site upon which the use is located, or where design

factors would be improved by elimination of on-site parking, alternate off-site parking facilities may be allowed by a use permit. Joint use of common parking facilities, which serve uses which do not have overlapping hours of operation, may be authorized by a use permit if the minimum amount of such off-street parking is equal to the amount required for the largest use. (Ord. 2269 § 1 (part), 1977).

22.31.090 Yards and setbacks. The following yards and setbacks shall be required:

Front. None;

Side. None for commercial uses, five feet minimum for residential uses;

Rear. None for commercial uses, fifteen feet minimum for residential uses. (Ord. 2269 § 1 (part), 1977).

22.31.100 Signs and advertising. The provisions set forth in Chapter 22.69 shall govern all uses within VCR districts. (Ord. 2269 § 1 (part), 1977).

22.31.110 Nonconforming uses. All uses which were lawfully established prior to the application of this district shall be conforming uses to the extent they existed at the time of application of these regulations; provided, however, that the expansion or enlargement of such preexisting uses and/or the establishment and/or construction of any new structures and uses subsequent to the application of these regulations shall conform to this chapter. (Ord. 2269 § 1 (part), 1977).

Chapter 22.32

C-1 DISTRICTS – RETAIL BUSINESS DISTRICTS

Sections:

22.32.010 Application of regulations. The following regulations shall apply in all C-1 districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.15 (part), 1938).

22.32.020 Uses permitted. The following uses are permitted in all C-1 districts:

(1) All uses, other than one-family, two-family and multiple dwellings, permitted in any R district without a use permit. In any C-1 district which is entirely surrounded by R districts, or by such districts and the county boundary, a use permit shall be required for the establishment of any use for which a use permit is required in R-3 districts.

One-family, two-family and multiple dwellings may be permitted above the first floor (street) level (the first floor must be used for a nonresidential use permitted in the district) upon securing a use permit for such dwelling use. Such use permit shall prescribe, in each case, standards for building height, density, access, on-site parking, landscaping, yards, minimum building site area and such other matter deemed pertinent, which standards shall apply in lieu of the regulations otherwise specified by the provisions of this section. Such use permit shall not be issued unless it is found that the establishment of the use will be compatible with the purposes of the C-1 district and the existing and anticipated uses in such district;

(2) Stores and shops for the conduct of any retail business, excluding automobile service stations and drive-ins, and including banks, barbershops, beauty parlors, conservatories, dressmaking, millinery, shoe and tailor shops, messenger offices, professional offices, storage garages, studios (except motion picture studios), telegraph offices, theatres, the renting and parking space for automobiles and other business uses which in the opinion of the zoning administrator are of the same general character as those enumerated in this subsection and will not be obnoxious or detrimental to the district in which located;

(3) Restaurants, bars, public garages, automobile repair shops, automobile service stations, drive-ins, used car lots, undertaking establishments, and veterinary hospitals subject in each case to the securing of a use permit. Establishment of self-service stations or conversion of existing full-service stations to self-service stations will require a use permit subject to periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance;

(4) Accessory buildings and accessory uses. (Ord. 2878 § 2 (part), 1985; Ord. 2314 § 1, 1977; Ord. 1788 § 1, 1970: Ord. 1719 § 7, 1969: Ord. 1462 § 2, 1965: Ord. 971, 1958: Ord. 773, 1955: Ord. 264 § 11.15 (a), 1938).

22.32.030 Building height limit. The building height limit in all C-1 districts shall be three stories, but not exceeding forty-five feet in height. (Ord. 264 § 11.15(b), 1938).

22.32.040 Yards required. No yards are required in C-1 districts except:

(1) Every building or portion thereof which is designed, intended and/or used for any purpose permitted in R-3 districts or for any automobile courts shall comply with the provisions of this title as to rear yards and side yards which are required in R-3 districts; provided, that when the ground floor of any building is used for any commercial purpose, no side yard shall be required adjacent to a street line, except as provided in this section.

(2) In the case of a C-1 district which is entirely surrounded by R districts or by R districts and the county boundary, there shall be provided on each lot in that portion of such district which is located in any one block a yard adjacent to the street bounding such block of a width or depth equal to that required for yards building is used for any commercial purpose, no side yard shall be required for yards adjacent to the street for the remaining property in the same block; except that on a corner lot in such C-1 district which is adjacent to a key lot, the side yard adjacent to the street shall be of width equal to not less than one-half of the depth required for front yards on the lots to the rear of such corner lot. In case any portion of such C-1 district occupies the entire frontage of any block, there shall be provided adjacent to the street bounding such block a yard of a depth or width equal to that required in the next adjacent block of such surrounding R districts (or in the least restricted of such surrounding R districts, in case they differ).

(3) There shall be a side yard along the side of every lot in a C-1 district which side is bordering on property in any R district, which side yard shall be of a width not less than the width of a side yard as required in R-3 districts. There shall be a rear yard on the rear of every lot in a C-1 district which rear is bordering on property in any R district, which yard shall be of a depth equal to not less than twice the width of a side yard as required in R-3 districts.

(4) No building shall hereafter be erected, nor shall any use of land be conducted, except the use of land for agricultural or landscape ornamental purposes or for private driveways so that the same will be closer to the right-of-way line of any street than any future right-of-way line or future width line or building line which is established for such street by the provisions of any applicable ordinance. (Ord. 264 § 11.15(c), 1938).

Chapter 22.34

C-2 DISTRICTS – GENERAL COMMERCIAL DISTRICTS

Sections:

22.34.010 Application of regulations. The following regulations shall apply in all C-2 districts and shall be subject to the provisions of Chapters 22.66 through 22.74 of this title. (Ord. 264 § 11.16 (part), 1938).

22.34.020 **Uses permitted.** The following uses are permitted in all C-2 districts:

(1) Restaurants, bars, public garages, automobile repair shops, automobile service stations, drive-ins, used car lots, undertaking establishments, and veterinary hospitals, subject in each case to the securing of a use permit. Establishment of self-service stations or conversion of existing full-service stations to self-service stations will require a use permit subject to periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance;

(2) One-family, two-family and multiple dwellings above the first floor (street) level (the first floor must be used for a nonresidential use permitted in the district), upon securing a use permit for such dwelling unit. Such use permit shall prescribe, in each case, standards for building height, density, access, on-site parking, landscaping, yards, minimum building site area and such other matter deemed pertinent, which standards shall apply in lieu of the regulations otherwise specified by the provisions of this section. Such use permit shall not be issued unless it is found that the establishment of the use will be compatible with the purposes of the C-2 distict and the existing and anticipated uses in such district;

(3) All other uses not otherwise prohibited by law except the following: automobile assembly, bakery employing more than five persons, bottling works, building materials yard, carpet cleaning, chemical laboratory, clothing manufacture, contractor's yard, cooperage works, cosmetics manufacture, dairy, dyeing and cleaning works, draying terminal, electric, welding electroplating, feed or fuel yard (distributing or storage), feed manufacture, ice plant or storage of more than fifteen tons capacity, fruit canning or packing, furniture, junkyard, laundry (other than hand), lumberyard, macaroni manufacture, machine shop, milk distributing station, manufacture of shoes, paint mixing, plumbing shop, poultry or rabbit or similar livestock raising or slaughter or live storage, stone cutting or polishing, except as an accessory to a jeweler's shop, storage elevator, tinsmith shop, truck storage yard, warehouse, and all uses excluded from M-1 districts by the terms of this title;

(4) The use of power-driven machinery incidental and accessory to any of the uses permitted in C-2 districts. (Ord. 2878 § 2 (part), 1985: Ord. 2314 § 2, 1977; Ord. 1788 § 2, 1970: Ord. 1462 § 3, 1965: Ord. 773, 1955: Ord. 264 § 11.16(a), 1938).

22.34.030 **Building height limit.** The building height limit in all C-2 districts shall be three stories, but not exceeding forty-five feet in height. (Ord. 264 § 11.16(b), 1938).

22.34.040 **Yards required.** No yards are required in C-2 districts except:

(1) Every building or portion thereof which is designed, intended and/or used for any purpose permitted in R-3 districts or for any automobile

court shall comply with the provisions of this title as to side yards and rear yards which are required in R-3 districts; provided that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required adjacent to a street line.

(2) There shall be a side yard along the side of every lot in a C-2 district, which side is bordering on property in any R district, which side yard shall be of a width not less than the width of a side yard as required in R-3 districts. There shall be a rear yard on the rear of every lot in a C-2 dis-

trict which rear is bordering on property in any R district, which rear yard shall be of a depth equal to not less than twice the width of a side yard as required in R-3 districts.

3. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural or landscape ornamental purposes or for private driveways so that the same will be closer to the right-of-way line of any street than any future right-of-way line or future width line or building line which is established for such street by the provisions of any applicable ordinance. (Ord. 264 § 11.16 (c); July 18, 1938).

Chapter 22.36

M-1 DISTRICTS–LIGHT INDUSTRIAL DISTRICTS

Sections:

22.36.010 Application of regulations. The following regulations shall apply in all M-1 districts and shall be subject to the provisions of Chapters 22.66 through 22.74. (Ord. 264 § 11.18 (part); July 18, 1938).

22.36.020 Uses permited. The following uses are permitted in all M-1 districts:

All other uses not otherwise prohibited by law; except the following: bag cleaning; billboard; blast furnace; boiler or tank works; candle factory; central mixing plant for cement, mortar, plaster or paving materials; coke oven; curing, tanning or storage of raw hides or skins; distillation of bones, coal or wood; distillation of tar; drilling for oil, gas or other hydrocarbon substances; fat rendering; forge plant; foundry or metal fabrication plant; hog ranch; junk yard or the baling of rags or junk, except when conducted entirely within a building completely enclosed on all sides or when entirely enclosed within a fence approved by the planning commission; livestock feed yard; manufacture of: acetylene, acid; alcohol; alcoholic beverages; ammonia, bleaching powder, chlorine, chemicals, soda or soda compounds; brick, pottery, terra cotta or tile (except handcraft products only); candles; celluloid or pyroxlin (or treatment of same) cement, gypsum, lime or plaster of paris; chewing tobacco (or treatment of same); disinfectants; dyestuffs; emery cloth or sandpaper; explosives, fireworks or gunpowder (or storage of same); exterminators or insect poisons; fertilizer; glass; glue, size or gelatin; grease, lard or tallow (manufactured or refined from or of animal fat); illuminating or heating gas (or storage of same); lamp black; matches;

linoleum, oil cloth or oiled products; linseed oil, paint, oil, shellac, turpentine or varnish (except mixing); paper or pulp, pickles, sauerkraut or vinegar; potash products; rubber or gutta percha products (or treatment of same); shoddy; shot polish; soap (other than liquid soap); starch, glucose or dextrin; stove polish; tar roofing or water-proofing or other tar products; yeast, pumping, refining or wholesale storage of crude petroleum; reducting, canning, processing or treatment of fish or animal products of any kind; slaughtering of animals (except poultry and rabbits); smelting of copper, iron, tin, zinc or other ores; steam power plant; stock yard; stone mill or quarry; sugar refining, wool pulling or souring; and all other uses which, in the opinion of the planning commission, are similarly objectionable by reason of odor, dust, smoke, gas, noise or vibration, or would impose hazard to health or property in the neighborhood: Except the provisions of this chapter shall not exclude the use of property for the making of concrete blocks by no more than six portable block casting machines each of a daily capacity of one thousand blocks or less if a use permit for the same has been secured. (Ord. 1719 § 8; August 5, 1969: Ord. 264 § 11.18 (a), as amended by Ord. 815; April 17, 1956).

22.36.021 Residential use restricted. No residential use, except a dwelling that is accessory to an otherwise permitted use and is subordinate to and located on the same building site as the use to which it is accessory shall be permitted in M-1 districts. (Ord. 1462 § 4; September 14, 1965).

22.36.030 Building height limit. The building height limit in all M-1 districts shall be not exceeding seventy-five feet in height. (Ord. 264 § 11.18 (b); July 18, 1938).

22.36.040 Yards required. The yard requirements in all M-1 districts shall be the same as specified for C-2 districts. (Ord. 264 § 11.18 (c); July 18, 1938).

Chapter 22.38

M-2 DISTRICTS–HEAVY INDUSTRIAL DISTRICTS

Sections:

22.38.010 Application of regulations. The following regulations shall apply in all M-2 districts and shall be subject to the provisions of Chapters 22.66 through 22.74. (Ord. 264 § 11.19 (part); July 18, 1938).

22.38.020 Uses permitted.

All uses not otherwise prohibited by law are permitted in all M-2 districts, except as follows:

(a) Dwelling is permitted only on the same basis as prescribed in Section 22.36.021;

(b) Billboard is not permitted;

(c) None of the following uses shall be established or allowed in any M-2 district unless and until a use permit in each case shall first have been secured for such use:

(1) Distillation of bones,

(2) Drilling for or removal of oil, gas or other hydrocarbon substances,

(3) Dumps,

(4) Fat rendering,

(5) Hog ranch,

(6) Junkyard, or the baling of junk, rags or paper, if such use is not conducted (A) entirely within a building completely enclosed on all sides, or (B) entirely within an area enclosed by a continuous solid fence approved by the zoning administrator,

(7) Livestock feed yard,

(8) Manufacture of acid, cement, explosives or fireworks (or storage of same), fertilizer, gas, glue, gypsum, lime or plaster of Paris,

(9) Reduction, canning, processing or treatment of fish or of animal products of any kind,

(10) Refining of petroleum or its products,

(11) Smelting of copper, iron, tin, zinc or other ores,

(12) Stockyard or slaughter of animals (except poultry and rabbits),

(13) All other uses determined by the zoning administrator to be similar to those above specified, and uses which the zoning administrator determines to be objectionable because of the production of odor, smoke, fumes, gas or noise. (Ord. 1719 § 9, 1969: Ord. 1541 § 1, 1966: Ord. 1462 § 5, 1965: Ord. 971 (part), 1958: Ord. 264 § 11.19, 1938).

22.38.030 Building height limit. There shall be no building height limit in M-2 districts. (Ord. 264 § 11.19(b), 1938).

22.38.040 Yards required. The yard requirements in all M-2 districts shall be the same as specified for C-2 districts. (Ord. 264 § 11.19(c), 1938).

Chapter 22.42
-H DISTRICTS

Sections:

22.42.010 Application of regulations. The following regulations shall apply in all districts with which are combined -H districts, in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Chapters 22.66 through 22.74; provided, however, that if any of the regulations specified in this chapter differ from any of the corresponding regulations specified in this title for any district with which is combined an -H district, in that case the provisions of this chapter shall govern. (Ord. 264 § 11.22 (part), 1938).

22.42.020 Uses permitted. The following uses are permitted in all -H districts:

All uses permitted in the respective districts with which the -H district is combined; provided, however, as follows:

(1) No sign shall be placed and/or maintained in any -H district except in conformity with the specific provisions of Chapters 22.66 through 22.74;

(2) No junkyard shall be established in any district with which is combined an -H district unless a junkyard is permitted in such a district and unless it is completely enclosed within a building or within a continuous solid fence not less than eight feet in height and in any case of sufficient height to screen completely all the business of the junkyard, which building or fence shall be concrete, brick or stucco construction; provided that no junkyard shall be established in any such district unless and until a use permit shall first have been secured therefor;

(3) All agricultural uses except hog ranches shall be permitted in any C-2 district with which is combined an -H district;

(4) No dance hall, road house, night club, commercial club or commercial place of amusement or recreation or any other place where entertainers are provided, whether as social companions or otherwise, shall be established in any district in which the use is permitted if the district is combined with an -H district, unless and until a use permit has first

been secured for the establishment for maintenance and operation of such use. (Ord. 264 § 11.22(a), 1938).

22.42.030 **Building location.** In case no building line is established by the provisions of any applicable ordinance for a street in any district with which an -H district is combined, no building or use shall be established, erected, constructed, moved or structurally altered so that the same will be closer to the line of the street than a distance sufficient to provide adequate space for the traffic movements and standing of vehicles which will be incidental to the use or to the use of the building. The distance for any building shall be designated by the zoning administrator as a part of the action, as provided in Chapter 22.82. (Ord. 264 § 11.22(b), 1938).

Chapter 22.45

P-D DISTRICTS–PLANNED DISTRICTS

Sections:

22.45.010 **Application of general regulations.** The following general regulations shall apply in all planned districts as noted below, and shall be subject to the provisions of Chapters 22.62 through 22.74 of this title:

R-M-P	C-P	M-3	R-M-P-C	A-RP
R-S-P	R-C-R	R-X	R-F	O-P

(Ord. 2624 § 1, 1981: Ord. 1997 § 2 (part), 1973).

22.45.020 **Application of specific regulations.** Specific regulations, in addition to the general regulations applicable to each planned district, are contained in the provisions for each type of district (Chapter 22.47). (Ord. 1997 § 2 (part), 1973).

22.45.030 **Plan area.** The area of the master plan and development plan shall include at least all contiguous properties under the same ownership. The area may also include multiple ownerships. (Ord. 1997 § 2 (part), 1973).

22.45.040 **Submission requirements.** A. Master plan. Four copies of the following maps, plans or written material, as applicable, shall be submitted to the planning director. Specific requirements may be waived by the planning director for good cause.

(1) Preliminary conceptual grading plans, showing existing and proposed grades, the extent of cut and fill, and slope angle of all banks. Preliminary grading plans may be based on a photogrametric survey to a

scale not less than one inch equals one hundred feet. Contour lines of existing grades shall have the following maximum intervals:

(a) Ten foot contour interval for ground slope over fifteen percent;

(b) Five foot contour interval for ground slope below fifteen percent.

All grades and elevations shall be based upon mean sea level datum for any property below an elevation of twenty-five feet above mean sea level.

(2) Existing use of property including building location, prominent geographic features and manmade improvements.

(3) Preliminary landscaping plan (may be combined with site plan) showing:

(a) All existing trees spaced more than thirty feet apart by common name and spread. Trees to be removed shall be indicated;

(b) In more densely wooded areas or in tree clusters, only the outline need be shown; however, outstanding trees within the clusters must be shown, if they are to be removed;

(c) A conceptual plan for proposed trees and other plant material.

(4) Proposed site plan indicating vehicle and pedestrian circulation; bicycle pathways, if the property is included in or affected by the county bicycle path master plan; paving coverage; access to adjoining streets; building configurations including existing or proposed major trees; and location and use of adjacent structures within fifty feet of the periphery of the property.

(5) Description of the proposed development including density, building heights, major open space, sewage disposal and public utilities.

(6) A conceptual drainage and flood control plan including conformance with flood plain zoning requirements if applicable.

(7) A preliminary geological reconnaissance report prepared by a registered civil engineer or a registered engineering geologist.

(8) Such additional information as may be required by the planning director.

B. Development plan. Four copies of the following maps, plans or written material as applicable shall be submitted to the planning department. If the master plan and development plan are filed concurrently, the submission requirements may be modified to avoid duplication. The selection of submission requirements shall be by the planning director.

(1) Boundary survey map.

(2) Final grading plans, showing existing and proposed grades, the extent of cut and fill, and slope angle of all banks. Contour lines of existing grades shall have the following maximum intervals:

(a) Ten foot contour interval for ground slope over fifteen percent;

(b) Five foot contour interval for ground slope below fifteen percent.

The scale shall be sufficiently large to show the details of the plan clearly (preferably one inch equals one hundred feet). All grades and elevations shall be based upon mean sea level datum for any property below an elevation of twenty-five feet above mean sea level.

(3) Precise drainage and flood control plans.

(4) Proposed site plan with precise building locations, parking spaces, public areas, vehicle and pedestrian circulation including access to adjoining streets. The number of parking spaces per parking area shall be delineated.

(5) Landscaping plans (may be combined with site plan), includes species, can size and irrigation and maintenance plans.

(6) Architectural plans for all buildings including floor plans, elevations, perspectives as necessary to illustrate design concept, color and material samples, and proposed signs.

(7) Summary statement on net and gross densities, area of public and private open space, coverage of land by structures, number and types of units, required and proposed number of parking and loading spaces, public utilities including methods of sewage disposal and maintenance of all common facilities.

(8) Preliminary land division or subdivisions where applicable (may be filed concurrently).

(9) A preliminary soils report based upon adequate test borings or excavations and prepared by a registered civil engineer.

(10) A preliminary geological report based upon adequate tests and prepared by a registered civil engineer or registered engineering geologist.

(11) Such additional information as may be required by the planning director.

C. Rezoning. If required, a rezoning application for the subject property shall be filed concurrently with the application for master plan approval. (Ord. 1997 § 2 (part), 1973).

22.45.050 Approvals.

A. Master plan. (1) Action by planning commission. The planning commission may recommend approval, conditional approval or denial of any application. The planning commission's actions may specify any condition which is likely to benefit the general welfare of future residents in the development, their environment and the purposes of the district, or ameliorate any burdens the development will otherwise thrust upon the community.

(2) Action by board of supervisors. The board of supervisors may approve, conditionally approve or deny the master plan as recommended by the planning commission. Any modification of the plan must be referred back to the planning commission in the manner specified by law. This approval shall be by ordinance which shall include, but shall not be limited to, the following:

(a) That the development, maintenance and use of the property shall be carried on in conformance with certain maps and plans as approved;

(b) That the maps and plans designated in the ordinance shall be filed in the office of the planning department of the county;

(c) That no building shall be constructed, maintained or used other than for the purpose specified on the maps and plans as filed.

B. Development plan. After approval of the master plan, no

development and/or land improvements and/or building construction except filling of land in conformance with the master plans shall commence until a development plan is approved for a portion of, or for the entire area of, the master plan. All development and/or land improvement and/or building construction shall be substantially in conformance with the approved development plan. The development plan for all or a portion of the master-planned area shall be approved by the planning commission by resolution. Its action is final unless appealed to the board of supervisors.

A mandatory finding shall be made that the development is in substantial accordance with the approved master plan. Public areas necessary for convenience and general welfare shall be dedicated or reserved for public purpose. If the development plan is in complete accordance with the approved master plan, the applicant may elect to request action thereon by the planning director rather than the planning commission. (Ord. 1997 § 2 (part), 1973).

22.45.060 **Expiration date.** A master plan shall be valid for a period of two years from the date the ordinance approving the master plan was adopted. A development plan shall be valid for a period of two years from the date the development plan was approved. An approved master plan shall not expire if prior to the expiration date a development plan or a tentative subdivision map is approved in accordance with County Code. An approved development plan shall not expire if prior to the expiration date a building permit or final map or parcel map is issued for the project. (Ord. 2866 § 1, 1985: Ord. 1997 § 2 (part), 1973).

22.45.063 **Extensions.** An approved master plan or development plan may be extended by the planning director for a maximum period of four years beyond the initial period of approval provided the master plan or development plan is consistent with countywide or any community plan. Applications for extensions shall be filed in writing, accompanied by a filing fee in the amount stated in the board of supervisors resolution establishing fees for zoning related applications. An application for an extension must be filed prior to the expiration of the master plan or development plan. (Ord. 2962 § 2, 1987: Ord. 2866 § 2, 1985).

22.45.065 **Effect of expiration.** The expiration of an approved master plan shall terminate all proceedings and no development plan or other permit shall be granted without first processing a new master plan. The expiration of an approved development plan shall terminate all proceedings and no building permit or other approval shall be granted without first processing a new master plan and development plan. If a master plan or development plan expires and if a rezoning was granted pursuant to the plans, the planning commission may initiate a rezoning of the property to its former zoning district or any other zoning district the commission finds consistent with the countywide plan. (Ord. 2866 § 3, 1985).

22.45.070 **Amendments.** A valid master plan or development plan may be amended by the board of supervisors or the planning commission, pursuant to the same procedures specified for initial approval. (Ord. 2866 § 4, 1985: Ord. 1997 § 2 (part), 1973).

22.45.100 **Notification of hearings.** Notice of public hearings on master plans and development plans shall be mailed to property owners within three hundred feet of the proposed planned area based on their names and addresses as they appear on the latest assessment roll. Such notices shall be mailed, by regular mail, at least ten calendar days prior to the date of the hearing. (Ord. 1997 § 2 (part), 1973).

22.45.110 **Use permits.** Uses requiring a use permit shall be permitted in a planned district if the planning commission can make the findings required for the issuance of a use permit by Section 22.88.020. Use permits may be granted simultaneously with master plan approval. (Ord. 1997 § 2 (part), 1973).

Chapter 22.46

B DISTRICTS

Sections:

22.46.010 **Regulations for B districts.** In any district with which is combined any B district, the following regulations as specified for the respective B district shall apply in lieu of the respective regulations as to building site areas and average widths, depths of front and side yards, which are hereinbefore specified for such a district with which is combined such B district and shall be the minimum requirements in each case:

B-1 districts: Building site area, six thousand square feet; building site average width, fifty feet; front yard depth, twenty-five feet; side yard widths, five feet.

B-2 districts: Building site area, ten thousand square feet; building site average width, seventy-five feet; front yard depth, twenty-five feet; side yard widths, ten feet.

B-3 districts: Building site area, twenty thousand square feet; building site average width, one hundred feet; front yard depth, thirty feet; side yard widths, fifteen feet.

B-3.5 districts: Building site area, thirty thousand square feet; building site average width, one hundred feet; front yard depth, thirty feet; side yard widths, fifteen feet.

B-4 districts: Building site area, one acre; building site average width, one hundred fifty feet; front yard depth, thirty feet; side yard widths, twenty feet.

B-5 districts: Building site area, two acres; building site average width, one hundred fifty feet; front, rear and street side yard depth, thirty feet; interior side yard width, twenty feet.

B-6 districts: Building site area, three acres; building site average width, one hundred seventy-five feet; front, rear and street side yard depth, thirty feet; interior side yard width, twenty feet.

B-7 districts: Building site area, five acres; building site average width, two hundred feet; front, rear and street side yard depth, thirty feet; interior side yard width, twenty feet.

B-8 districts: Building site area, ten acres; building site average width, two hundred feet; all yards must have a minimum dimension of thirty feet.

B-D districts: As specified on the sectional districts map designating any such districts. (Ord. 2210 § 1, 1976: Ord. 1441 § 2, 1965; Ord. 463 (part), 1948: Ord. 264 § 11.24(a),1938).

22.46.020 Conditions on regulations. The foregoing regulations shall be subject to the following provisions:

Any parcel of land in any B district, which parcel was under one ownership at the time of the adoption of the ordinance codified in this title, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded on or after September 2, 1938, in the office of the county recorder after approval of the map in the manner provided by law, may be used as a building site for a dwelling of the character permitted in the district with which such B district is combined, even though such parcel is not of the area or width required for each building site in such B district; provided that all other regulations for such district, as prescribed by this title, shall be complied with. (Ord. 1486 § 2, 1966: Ord. 1454 § 4, 1965: Ord. 463 (part), 1948: Ord. 264 § 11.24(b), 1938).

Chapter 22.47

SPECIFIC REGULATIONS FOR THE VARIOUS PLANNED DISTRICTS

Sections:

22.47.010 Application of specific regulations. The following specific regulations, in addition to the general regulations cited in Chapter 22.45, shall apply to all planned districts except as specifically exempted in Section 22.47.104. The requirements of Chapter 22.45 (P-D Planned Districts) may be waived by the planning director when:

(1) One single family dwelling unit is proposed for construction on a legal building site;

(2) A tentative map requiring a parcel map for four parcels or less is proposed;

(3) The planning director determines that a proposed development is minor or incidental in nature and within the intent and objectives of the zoning district in which the proposed development is located.

In granting a waiver from the requirements of Chapter 22.45, the

planning director may designate such conditions therewith as well, in the opinion of the planning director, secure substantially the objectives of the regulation or provision for which such waiver is granted.

If these requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review). (Ord. 2624 § 2, 1981; Ord. 2181 § 1, 1975: Ord. 2152 § I, 1975: Ord. 2141 § II, 1975: Ord. 1997 § 2 (part), 1973).

22.47.015 Bayfront conservation environmental assessments. 1. Purpose. The bayfront conservation zone policies adopted by the Marin County board of supervisors as part of the Marin Countywide Plan update in 1981 provide that prior to the development of land use proposals for undeveloped, agricultural or redevelopment lands with bayfront conservation zones as identified and designated in the Plan, environmental assessments shall be independently prepared to reveal and ascertain the capabilities and contraints of such land and water areas. The use of environmental assessments is intended to provide the highest degree of environmental protection while permitting reasonable development of such sensitive land and water areas consistent with other goals, objectives and policies expressed or contained within the Marin Countywide Plan.

2. Applicability. Unless waived by the planning director, an environmental assessment shall be prepared for all land and water areas which are contemplated for development. The assessment process should be considered a first step in the planning process. A development proposal cannot be determined complete prior to submittal of an assessment. The scope of such an assessment shall be determined by the planning department in consultation with the prospective project sponsor. Upon determination of scope which may involve and/or necessitate consulting with state and federal agencies, the assessment shall be prepared by a qualified consultant per the procedures usually set forth by Marin County. (Ord. 2708 § 1, 1982).

22.47.020 RMP – Residential, multiple planned district.

22.47.021 Purpose. The purpose of this district is to allow residential development consisting of varied types of housing to be designed without the confines of specific yard requirements where the amenities resulting from this flexibility in design will benefit the public welfare or other properties in the community.

22.47.022 Permitted Uses. The following are subject to approval by the master plan:

(1) One family dwellings;

(2) Public parks and public playgrounds;

(3) Crop and tree farming and truck gardening;

(4) Nurseries and greenhouses, but not including any salesrooms or other buildings for the sale of any products unless and until a use permit is secured therefor;

(5) Home occupations, provided that there shall be no external evidence of any home occupation;

(6) Schools, libraries, museums, churches, retreats, monasteries, convents, golf courses, country clubs, tennis courts and similar noncommercial recreational uses and day child-care centers for six or more children;

(7) Accessory buildings and accessory uses;

(8) Two family dwellings, multiple dwellings and dwelling groups;

(9) Lodges and fraternity and sorority houses;

(10) Museums not operated for profit;

(11) In an apartment house designed, constructed or used for twenty-four or more families and in a hotel designed, constructed or used for fifty or more guest rooms there may be conducted a business incidental thereto for the convenience of the occupants and the guests thereof; provided that there will be no entrance to such business except from the inside of the building in which the same is located, and that the floor area used for business purposes shall not exceed twenty-five percent of the ground floor area of such building; and provided, further, that no street frontage of any such building shall be used for any business, and that no signs shall be exhibited on the outside of any such building in connection with such business;

(12) The following uses, subject to the securing of a use permit in each case:

(a) Hospitals, rest homes, sanitariums, clinics, and other buildings used for similar purposes,

(b) Philanthropic and charitable institutions,

(c) Automobile courts,

(d) Hotels,

(e) Offices;

(13) Accessory buildings and accessory uses;

(14) When three or more acres per dwelling unit are required, then those land uses enumerated in Chapter 22.10 (Agricultural and Conservation Districts), Section 22.10.020(a) shall be permitted subject to the securing of a use permit in each case. Horses, donkeys, mules, and ponies shall be permitted subject to provisions of Section 22.68.040. The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution.

22.47.023 Density. The ordinance adopting any RMP district shall specify the maximum number of dwelling units per gross acre which will be allowed within the RMP district.

In determining the number of dwelling units allowed on a parcel, any fraction of a unit, resulting from such determination, of 0.90 or greater will be counted as a whole unit.

The density thus computed shall in fact be the upper limit. The applicant must demonstrate how many units can be developed on the site consistent with the findings from the environmental reconnaissance or the environmental impact report and design requirements.

22.47.024 Design Requirements. The following requirements for site preparation, design, and use of the project shall be imposed as necessary to implement the goals and policies of the Marin countywide plan:

(1) Site Preparation.

(a) Grading. All grading shall be reviewed by the environmental protection committee or by staff members designated by the committee. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.

(b) Roads. No new roads shall be developed where the required grade is more than fifteen percent unless convincing evidence is presented that such roads can be built without environmental damage and used without public inconvenience.

(c) Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction. No initial grading shall be done during the rainy season, from November through March.

(d) Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the

natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized.

(e) Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of the trees or rare plant communities and wildlife habitats.

(f) Fire Hazards. Development shall be permitted in areas of extreme wildfire hazard only where there are good access roads, adequate water supply, a reliable fire warning system, and fire protection service. Setbacks to allow for firebreaks shall be provided if necessary.

(g) Geologic Hazards. Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, on identified fault zones, or on bay mud without approval from the department of public works, based on acceptable soils and geologic reports.

(h) Watershed Areas. All projects within water district watershed areas shall be referred to that district for review and comment. In such areas, damaging impoundments of water shall be avoided.

(2) Project Design.

(a) Clustering. Generally, buildings should be clustered in the most accessible, least visually prominent, and most geologically stable portion or portions of the site, consistent with the need for privacy to minimize visual and aural intrusion into each unit's indoor and outdoor living area from other living areas. Clustering is especially important on open grassy hillsides. A greater scattering of buildings may be preferable on wooded hillsides to save trees. The prominence of construction can be minimized by such devices as placing buildings so that they will be screened by wooded areas, rock outcroppings and depressions in the topography.

(b) Ridgelines. There shall be no construction permitted on top or within three hundred feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be on locations that are least visible from nearby highways and developed areas.

(c) Landscaping, Landscaping shall minimally disturb natural areas, including open areas, and additional landscaping in a natural or seminatural area shall be compatible with the native plant setting. Fire protection and minimal water use shall be considered in landscaping plans. Planting shall not block views from adjacent properties or disturb wildlife trails.

(d) Utilities. In ridge land areas designated by the countywide plan, roads shall be designed to rural standards. (Generally, not more than eighteen feet pavement width, depending on safety requirements. A minimum of sixteen feet may be permitted in certain very low use areas, as provided in the improvement standards established pursuant to Marin County Code, Section 24.04.) In ridge land areas, street lights shall be of low level intensity, and low in profile. In all areas, power and telephone lines shall be underground where feasible.

(e) Building Height. No part of a building shall exceed thirty feet in height above natural grade, and no accessory building shall exceed fifteen feet in height above natural grade. The lowest floor level shall not exceed ten feet above natural grade at the lowest corner. Where a ridge lot is too flat to allow placement of the house down from the ridge, a height limit of one story or a maximum of eighteen feet to the top of the roof shall be imposed. These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Sections 22.47.020 and 22.47.030.

(f) Materials and colors shall blend into the natural environment unobtrusively, to the greatest extent possible.

(g) Noise impacts on residents and persons in nearby areas shall be minimized through placement of buildings, recreation areas, roads, and landscaping.

(h) Facilities. Where possible, facilities and design features called for in the countywide plan shall be provided on the site. These include units with three or more bedrooms, available to households with children; child-care facilities; use of reclaimed waste water; use of materials; siting; and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; recreation facilities geared to age groups anticipated in the project; bus shelters; design features to accommodate the handicapped; bicycle paths linked to city-county system; and facilities for composting and recycling.

(i) Open Space Dedication. Land to be preserved as open space may be dedicated by fee title to the county of Marin prior to issuance of any construction permit, or may remain in private ownership with appropriate scenic and/or open space easements in perpetuity, and the county may require reasonable public access across those lands remaining in private ownership.

(j) Open Space Maintenance. The county of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Where open space lands remain in private ownership with scenic easements, these lands shall be maintained in accordance with the adopted policies of the Marin County open space district and may require the creation of a homeowners' association or other organization for the maintenance of these private open space lands where appropriate.

(k) Open Space Uses. Uses in open space areas shall be in accordance with policies of the Marin County open space district. Generally, uses shall have no or minimal impact on the natural environment. Pedestrian and equestrian access shall be provided where possible and reasonable. The intent is to serve the people in adjacent communites, but not attract large numbers of visitors from other areas. (Ord. 2597 § 2, 1981; Ord. 2194 § I, 1975; Ord. 2152 § I, 1975: Ord. 2100 § 1, 1974: Ord. 1997 § 2 (part), 1973).

22.47.030 RSP – Residential, one family planned district.

22.47.031 Purpose. The purpose of this district is to allow development of single family detached units to be designed without the confines of specific yard requirements.

22.47.032 Permitted uses. The following are subject to master plan approval:

(1) One-family dwellings;

(2) Public parks and public playgrounds;

(3) Crop and tree farming and truck gardening;

(4) Nurseries and greenhouses, but not including any salesrooms or other buildings for the sale of any products unless and until a use permit is secured therefor;

(5) Home occupations provided that there shall be no external evidence of any home occupation;

(6) Schools, libraries, museums, churches, retreats, monasteries, convents, golf courses, country clubs, tennis courts and similar noncommercial recreational uses, and day child care centers for six or more children, subject to the securing of a use permit in each case;

(7) Accessory buildings and accessory uses;

(8) When three or more acres per dwelling unit are required, those land uses enumerated in Chapter 22.10 (Agricultural and Conservation Districts) Section 22.10.020(A) shall be permitted subject to the securing of a use permit in each case. Horses, donkeys, mules, and ponies shall be permitted subject to provisions of Section 22.68.040. The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution.

22.47.033 Density. The ordinance adopting an RSP district shall specify the maximum number of dwelling units per gross acre which will be allowed within the RSP district. In determining the number of dwelling units allowed on a parcel, any fraction of a unit, resulting from such determination, of 0.90 or greater will be counted as a whole unit.

The density thus computed shall in fact be the upper limit. The applicant must demonstrate how many units can be developed on the site consistent with the findings from the environmental reconnaissance or the environmental impact report and design requirements.

22.47.034 Design requirements. Requirements for site preparation, design, and use of the project shall be imposed as necessary to implement the goals and policies of the Marin countywide plan, in accordance with Section 22.47.024 of this chapter. (Ord. 2624 § 3, 1981; Ord. 2152 § 3, 1975: Ord. 1997 § 2 (part), 1973).

22.47.040 CP – Planned commercial district.

22.47.041 Purpose. The purpose of this district is to create and protect a commercial area for commercial and institutional uses and to control the density and development of such uses to assure that each project is compatible with and in harmony with its environment.

22.47.042 Permitted uses. All commercial and institutional uses as set forth in the adopted master plan. The following uses: Gas station, car washes, drive-in establishments, motels and any other use as determined by the planning director will require a mandatory finding that the use will not be detrimental to the other uses in the CP district or its immediate environment. Establishment of self-service stations or conversion of existing full-service stations to self-service stations will require periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance. (Ord. 2878 § 2 (part), 1985: Ord. 1997 § 2 (part), 1973).

22.47.050 RCR – Resort and commercial recreation district.

22.47.051 Purpose. The purpose of this district is to create and protect resort facilities in pleasing and harmonious surroundings by the control of building coverage and heights with emphasis on public access to recreational areas within and adjacent to the development.

22.47.052 Application. This district shall be employed only if the planning commission finds that the area is of sufficient size, type, location and has special features which make it a desirable resort area.

22.47.053 Permitted uses. All uses and normal accessory uses subject to securing of a use permit, set forth in the adopted master plan, which the planning commission finds is appropriate for a resort area or which are desirable or necessary for public service, utility service or for servicing the recreation industry. Approval of self-service stations or conversion of existing full-service stations to self-service stations as a part of a resort area master plan or use permit will require periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance. Residential, industrial, institutional, general commercial uses, mobilehome parks, and floating home marinas are not permitted. (Ord. 2878 § 2 (part), 1985: Ord. 2231 § 1, 1976; Ord. 1997 § 2 (part), 1973).

22.47.060 M-3 – Planned industrial district.

22.47.061 Purpose. The purpose of the planned industrial district is to create and protect light industrial facilities in pleasing and harmonious surroundings by the control of building coverages, heights, noxious emissions, industrial wastes and traffic access and parking and loading facilities.

22.47.062 Application. This district shall be employed if the planning commission finds that the area is of sufficient size, type, location and has

special features, such as access to major transportation facilities, which make it a desirable industrial area.

22.47.063 Permitted uses. All industrial uses, including research laboratories, warehousing and storage, retail sales of heavy industrial or construction equipment, administrative offices, or any other industrial use determined by the planning commission to be compatible with the purposes of the district. Uses which require emission controls or particular health and safety requirements shall be allowed only by use permit.

22.47.064 Submission requirements. In addition to the general submission requirements for master plan and development plan approval, industrial uses for which use permit is required shall necessitate submission of technical data on emission controls, health and safety requirements, industrial waste disposal or any other information deemed pertinent by the planning director. Building configurations and location and use of adjacent structures on the periphery of the property need not be delineated on the site plan to secure master plan approval. (Ord. 1997 § 2 (part), 1973).

22.47.070 RX—Mobile home park district.

22.47.071 Purpose. The mobilehome, as a residence, is an accepted mode of living which offers certain advantages and attractions to segments of the public. The development and operation of mobile home parks, as related to adjacent areas, deserves special consideration. The purpose of this section is to create and set aside areas for mobile home parks in pleasant residential surroundings, property integrated with adjacent neighborhoods, in a way which will insure the optimum benefit of residents of the mobile home park and of the greater community.

22.47.072 Application. This district shall be employed only if the planning commission finds that the area is of sufficient size, type, location and has special features, such as access to public transportation and shopping facilities, which make it a desirable residential area.

22.47.073 Permitted uses. Those principal uses normally associated with a mobile home park. The following accessory uses may be approved, subject to appropriate conditions:

(1) Management office and maintenance equipment storage;
(2) Coin-operated laundry and dry cleaning facilities, for residents;
(3) Vending machines, for residents only;
(4) Noncommercial recreation, meeting halls, club houses, etc.;
(5) Storage facilities, for residents only;
(6) Chapel;
(7) Car washing facilities, for residents only;
(8) Overnight accommodations, for guests of residents;
(9) Any other use which is clearly incidental and subordinate to the principal use.

In mobile home park of over two hundred mobile homes, the following additional accessory uses may be permitted:

(1) One doctor's and one dentist's office;

(2) Convenience goods shopping and personal service establishments primarily for residents only.

22.47.074 Standards and criteria. Standards for mobile homes and accessory uses.

(1) Minimum site area: Ten contiguous acres.

(2) Maximum density: The density, determined by the master plan approval, shall not exceed ten mobilehomes of seven hundred fifty square feet or less in gross floor area per acre; or eight mobilehomes of more than seven hundred fifty square feet in gross floor area per acre; or a combination thereof.

(3) Prior to occupancy of the first mobilehome, not less than fifty mobilehome lots shall be prepared and available for occupancy.

(4) Parking requirements: The overall parking ratio shall be two parking spaces per mobilehome lot. At least one parking space shall be provided on, or immediately adjacent to, each mobilehome lot.

(5) Building lines: All structures and mobilehomes shall be set back at least twenty-five feet from all property lines and streets or rights-of-way. If a

greater building line has been established by ordinance, it shall be observed. The setback area shall be landscaped and maintained as a buffer strip.

(6) Utilities: All utilities shall be installed underground. Individual exposed antennae shall not be permitted.

22.47.075 Submission requirements. In addition to the general submission requirements for master plan and development plan approval (Chapter 22.45), the following shall be submitted:

(1) A petition for a district change for an RX district and a master plan for the mobilehome park shall be filed simultaneously with the planning department. For the purpose of this section, the district change and the master plan shall be considered as one application and shall be considered according to the provisions of Chapter 22.90;

(2) A detailed drawing of a typical mobilehome park, including parking area. The scale shall be at least one-fourth inch equals one foot.

22.47.076 Approvals. In addition to the general approval procedures cited in Chapter 22.45, the board of supervisors, after receiving recommendations of the planning commission, shall set the maximum density, which shall not exceed the standards specified in Section 22.47.074 of this chapter. The board of supervisors, in setting the maximum density, shall consider any adopted community plan or county general plan or master plan for the area within which the RX district is located, existing zoning and development in the area, and any applicable lot slope.

22.47.077 Plan amendments. The planning commission may approve any amendment to an approved master plan or development plan without further action by the board of supervisors, except an amendment for an increase in density. Any amendment involving an increase in density may be approved by the board of supervisors after receiving recommendation of the planning commission. Prior to approving an amendment, the planning commission and, if applicable, the board of supervisors shall hold at least one public hearing.

22.47.078 Other laws, regulations and ordinances. All pertinent state and county laws and regulations concerning the development and operation of mobilehome parks shall be observed. Nothing contained in this chapter shall be construed to abrogate, void or minimize other pertinent requirements of law. (Ord. 1997 § 2 (part), 1973).

22.47.080 R-M-P-C—Residential/commercial multiple planned districts.

22.47.081 Purpose. The purpose of this district is similar to that of the RMP district, except it allows the addition of commercial uses.

22.47.082 Permitted uses. All uses permitted in the RMP and C-P districts when approved by master plan.

22.47.083 Density. The ordinance adopting an R-M-P-C district may specify the maximum number of dwelling units per gross acre, which will be allowed within the R-M-P-C district. (Ord. 2624 § 4, 1981; Ord. 1997 § 2 (part), 1973).

22.47.090 R-F—Floating home marinas.

22.47.091 Purpose. The purpose of this district is to create and protect floating home marinas in pleasing and harmonious surroundings by the control of water coverage, spacing and height of structures, with emphasis on usable public access to the shoreline.

22.47.092 Application. This district shall be employed only if the planning commission can make the findings necessary for issuance of a use permit pursuant to Section 22.59.040 and the proposed floating home marina is consistent with any adopted general plan or master plan for the area. The planning commission must also find that the area is of sufficient size, type, location and has special features, such as access to public transportation and shopping facilities, which make it a desirable residential area. Particular emphasis shall be placed upon the view of the area from surrounding communities and protection of the water habitat. A floating home marina shall not be allowed if its presence creates adverse effects on surrounding communities or would be detrimental to water quality.

22.47.093 Permitted uses. The principal uses normally associated with a floating home marina, excepting seaworthy craft not normally designed for permanent residential use. The following accessory uses may be approved subject to appropriate conditions:

(1) Management office and maintenance equipment storage;

(2) Coin-operated laundry and dry cleaning facilities, for residents only;

(3) Vending machines, for residents only;

(4) Noncommercial recreation, meeting halls, club houses, etc.;

(5) Storage facilities, for residents only;

(6) Chapel;

(7) Car washing facilities, for residents only;

(8) Overnight accommodations, for guests of residents;

(9) Any other use which is clearly incidental and subordinate to the principal use.

In floating home marinas of over two hundred homes, the following additional accessory uses may be permitted:

(1) One doctor's and one dentist's office;

(2) Convenience goods shopping and personal service establishments primarily for residents only.

22.47.094 Standards and Criteria.

(1) Open Water. At least fifty percent of the total water area proposed for the floating home marinas shall be open water. The balance of the water area shall be used exclusively for floating homes and ramps or exitways.

(2) Spacing. The minimum distance between adjacent floating homes shall be six feet. This distance shall be increased to ten feet if either of the floating homes is in excess of one story. Each floating home shall abut a fairway with access to open water. The minimum width of the fairway shall be thirty-five feet.

(3) Type of Unit. Not more than one dwelling unit per vessel shall be permitted.

22.47.095 Submission Requirements. In addition to the general submission requirements for master plan and development plan approval (Chapter 22.65), the following shall be submitted.

(1) A petition for a district change for an RF district and a master plan for the floating home marina shall be filed simultaneously with the planning department. For the purpose of this chapter, the district change and the master plan shall be considered as one application and shall be considered according to the provisions of Chapter 22.90;

(2) A detailed drawing of a typical floating home pad, including adjacent walkways. The scale shall be at least one-fourth inch equals one foot;

(3) The location and dimension of the area proposed for open water;

(4) The location and dimension of fairways;

(5) The location and dimension of abutting public waterways.

22.47.096 Other regulations and ordinances. All pertinent federal, state and county laws and regulations concerning the development and operation of floating home marinas shall be observed. Nothing contained in this chapter shall be construed to abrogate, void or minimize such other pertinent regulations. (Ord. 1997 § 2 (part), 1973).

22.47.100 A-RP – Agricultural, residential planned. 22.47.101 Purpose. The purpose of this district is to allow residential development in agricultural areas of varied housing types designed without the confines of specific yard, height or lot area requirements, where the amenities resulting from this flexibility in design will benefit the public welfare or other properties in the community.

22.47.102 Permitted Uses.

1. All uses permitted in the A district (22.10);
2. Certain limited commercial uses which are:

(1) Included in a plan for new or continued agricultural activities on subject and surrounding properties;

(2) In all respects compatible with agricultural activities on surrounding properties; and

(3) Subject to specific approval in the adoption of an A-RP master plan. No commercial uses other than those permitted in the A district are permitted without master plan approval.

22.47.103 Density. The ordinance adopting any A-RP district shall specify the number of acres per dwelling unit which will be allowed within the A-RP district.

22.47.104 Submission Requirements. Applicant shall submit:

(1) Preliminary land division, tentative subdivision or parcel map if applicable;

(2) Site plans indicating existing and proposed uses of property;

(3) Requirements cited in Chapter 22.45, except that upon application to the planning director all or a portion of the general submission requirements for master plan and development plan approval (Chapter 22.45) may be waived. (Ord. 2408 § 2, 1979: Ord. 2141 § III, 1975).

22.47.105 **Design requirements.** The following requirements for project design, site preparation, and use shall be imposed through the master plan, development plan and/or design review process, as necessary, to implement the goals and policies of the Marin Countywide Plan and any applicable community plan:

1. Project Design:

(a) Clustering. Buildings shall be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site. Clustering or siting buildings in the least visually prominent portion or portions of the site is especially important on open grassy hillsides. In these areas, the prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography. In areas with wooded hillsides, a greater scattering of buildings may be preferable to save trees and minimize visual impacts. In areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize disruption of existing or possible future agricultural uses.

(b) Ridgelines. No construction shall be permitted on top or within three hundred feet horizontally, or within one hundred feet vertically of ridgelines, whichever is more restrictive. If structures must be placed within this restricted area because of parcel size or other constraints including possible conflicts with existing and proposed agricultural uses, they shall be on locations that minimize the visual impact from adjacent lands and view corridors.

(c) Geologic Hazards. Development shall not be permitted on identified seismic or geologic hazard areas, such as slides, natural springs, identified fault zones, or bay mud, without approval from the department of public works, based on acceptable soils and geologic reports.

(d) Roads, Driveways and Utilities. The development of roads, driveways and utilities shall conform to the applicable standards ccontained in Title 24 of this code, including but not limited to Sections 24.04.020

through 24.04.320, and 24.04.840 through 24.04.860. In areas with undeveloped agricultural land, efforts shall be made to keep road and driveway construction, grading and utility extensions to a minimum. This shall be accomplished through clustering and siting development so as to minimize roadway length and maximize the amount of undivided agricultural land.

(e) Fire Protection. In rural areas, areas without water systems, on-site water storage capacity may be required for each single-family residence, subject to the requirements of the county fire department. In planned or cluster developments provisions should be made, where feasible, for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan approved by the county fire department.

(f) Landscaping. Landscaping shall minimally disturb natural areas. Fire protection, solar access, the use of indigenous species and minimal water use shall be considered in landscaping plans.

(g) Building Location/design. In addition to the above requirements, buildings to be located on existing or proposed subdivision lots, shall be sited and designed according to the following principles:

(1) Energy Conservation. Solar access shall be considered in the location, design, height and setbacks of all buildings. Generally, buildings should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.

(2) Building Height. No part of a residential building shall exceed thirty feet in height above natural grade, and no accessory structure, including water tanks, shall exceed fifteen feet in height above natural grade. In residential structures, the lowest floor level shall not exceed ten feet above natural grade at any point. Where a ridge lot is too flat to allow placement of the house down from the ridge as required in subdivision (b) of this subsection, a height limit of one story or a maximum of eighteen feet, as measured from natural grade to the top of the roof, shall be imposed. These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Section 22.47.101 and the Environmental Quality Policies of the countywide plan. Farm and agricultural buildings located down from ridgetops may exceed these height limits upon design review approval.

(3) Access. Driveways shall be developed in accordance with the applicable standards contained in Title 24 of this code, including but not limited to Sections 24.04.240 through 24.04.320. Consistent with the clustering policies in subdivision (a) of this subsection, efforts shall be made to keep driveway length to a minimum.

(4) Materials and Colors. Fire protection, energy conservation and the use of traditional agricultural building materials and colors shall be considered in all construction.

(h) Facilities. Where possible, facilities and design features called for in the countywide plan shall be provided through the master plan/development plan process. These include use of reclaimed waste water; use

of materials, siting, and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; appropriate recreation facilities; bus shelters; design features to accommodate the handicapped; bicycle paths and equestrian trails linked to city-county system; and facilities for composting and recycling.

(i) Agricultural and Open Space Uses. Agricultural uses shall be encouraged in ARP zones. As part of the development review process, usable agricultural land should be identified and efforts made to preserve and/or promote its use. Agricultural land, not presently in use, may be preserved as undeveloped private open space to be made available on a lease basis in the future for compatible agricultural uses. The primary intent shall be to preserve open lands for agricultural use, not to provide open space/recreational land uses which will interfere or be in conflict with agricultural operations. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowner's association or other organization for their maintenance. The nature and intensity of large scale agricultural uses should be described in the form of an agricultural management plan. Management plans should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential uses. In some cases, the county may require reasonable public access across those lands remaining in private ownership. Such pedestrian and/or equestrian access shall be provided where consistent with adopted county and coastal plans and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes shall only be required as a condition of plan approval.

(j) Open Space Dedication and Maintenance. Nonagricultural land to be preserved as open space may be dedicated by fee title to the county. The county or other designated public jurisdiction will maintain all open space lands accepted in fee title.

2. Site Preparation: Where appropriate, site preparation plans shall be referred to the North Marin Water District and/or Marin Municipal Water District for review and approval.

(a) Grading. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land; skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography. All grading shall conform to the applicable standards contained in Title 24 of this code.

(b) Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction.

(c) Drainage. The areas adjacent to creeks shall be kept as much as

possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. To reduce runoff, impervious surfaces shall be minimized. At major creek crossings, bridges should be utilized whenever possible, in place of culverts.

(d) Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of trees or rare plant communities and wildlife habitats. (Ord. 2560 § 4, 1980).

22.47.106 Transfer of development rights (TDR) in A-RP districts. Notwithstanding provisions of this and other sections regarding density, the number of units permitted on one property (the donor property) may be transferred and built on another (receiving) property (either contiguous or noncontiguous), resulting in a higher density than that which the (receiving) property is zoned for, under certain circumstances, as described in this section. This process, which allows development rights from one property to be determined and transferred to a second property, is called Transfer of Development Rights (TDR).

1. Purpose. The purpose of TDR is to relocate potential development from areas where environmental or land use impacts could be severe to other areas where those impacts can be minimized, while still granting appropriate development rights to each property.

2. Application. The participation of a property owner in TDR shall be on a voluntary basis and shall be subject to approval by the county through the master plan process. The property for which TDR is proposed must be located within a community plan or countywide plan area and the adopted community plan or countywide plan policy must recommend TDR as an appropriate plan implementation. Through the master plan approval process, the applicant(s) must demonstrate that it is necessary to conserve the property from which density is being transferred, and that the property which receives this additional density can accommodate it. This demonstration shall be consistent with the criteria for evaluation of TDR proposals described in applicable community plans or countywide plan policies.

3. Submission Requirements. In addition to the information required for a master plan submission under Chapter 22.45 of this code, the following additional information shall be provided where TDR is being considered:

a. Affidavits of consent from all registered property owners of all property subject to the master plan. This shall include the property being conserved and the property being developed and receiving the transferred density rights;

b. A description of the property proposed for conservation outlining how the subject property fulfills the TDR conservation criteria as set out in the appropriate community plan or countywide plan policies;

c. A calculation of the number of units available to be transferred. The calculation shall be made as follows: The area of the parcel to be conserved divided by the number of acres per dwelling unit required by the

zoning minus the existing number of dwellings. Any fraction of a unit, resulting from such a determination, of 0.90 or greater, will be counted as a whole unit:

d. A description of the property proposed to receive the transferred density outlining the availability of support services and infra-structure necessary for development and how the subject property fulfills the TDR development criteria as set out in the appropriate community plan;

e. A description of the proposed conservation easement or restriction, as described and required in Subsection 47.106.5.

4. Approval Process. The approval process for a master plan involving TDR shall require the same approval process as set forth in Subsection 22.45.05.

5. Conservation Easements or Restrictions. A condition of TDR between properties is that the property proposed for restricted development or conservation shall have conservation easements or restrictions recorded against it which reflect the conditions of approval of the master plan and which restrict the future development or division of the donor property in accordance with those conditions.

Such conservation easements or restrictions must be recorded against the donor property prior to the recording of a parcel map or final map for the receiver property.

6. Density bonuses shall be considered if the proposed TDR meets the criteria set forth in the appropriate community plan or LCP. (Ord. 2909 § 2 (part), 1986: Ord. 2648, 1981).

22.47.110 OP – Planned office district.

22.47.111 Purpose. The purpose of this district is to create and protect areas for administrative and professional office uses, in pleasing and harmonious surroundings, by the control of building coverage, height, parking and landscaping.

22.47.112 Permitted Uses. The following uses are subject to approval by master plan:

1. Association, business, corporation, executive, professional and public agency offices;

2. Banks and savings and loan associations;

3. Medical and dental offices, including clinics·

4. Prescription pharmacies in conjunction with medical or dental offices;

5. Organization meeting facilities;

6. Real estate offices;

7. Residential uses, including one-family, two-family and multiple dwellings. Residential uses shall be subject to the design requirements of Section 22.47.024;

8. Other uses, as approved by the planning commission and board of supervisors in an adopted master plan.

22.47.113 Building Site Area. The minimum parcel size in an OP district shall be seven thousand five hundred square feet. A commercial condominium pursuant to Section 66427 et seq. of the Subdivision Map Act, may have smaller individual unit sizes, subject to master plan approval.

22.47.114 Design Requirements. The following requirements for project design, site preparation and use shall be imposed through the master plan, development plan and/or design review process, as necessary, to implement the goals and policies of the Marin Countywide Plan and any applicable community plan:

1. Building Height. The building height limit in all OP districts shall be three stories, not to exceed thirty-five feet. This height shall in fact be the upper limit and may be reduced through the development review process based on specific policies of applicable community plans.

2. Building Coverage. The buildings, including accessory buildings, on any lot shall generally not cover more than forty percent of the area of the lot. This building coverage restriction is a basic standard which may be increased or decreased depending on site constraints, location and type of surrounding uses.

3. Landscaping. The following minimum landscaping standards shall be observed for all office uses:

a. Each unenclosed parking facility required in conjunction with an office use shall provide a perimeter landscaped strip at least five feet wide where the facility adjoins a street line or property line. The perimeter landscaped strip shall be continuous, except for required access to the site or the parking facility. Where the landscaped strip adjoins a street, pedestrian walkway or adjacent property line, the landscaped strip may be required to include a fence, wall, berm or equivalent screening feature.

b. Each unenclosed parking facility shall provide a minimum of five percent of the total parking facility area (excluding perimeter landscaping) as interior landscaping. Interior landscaping shall be distributed throughout the paved area as evenly as possible, with due regard to energy concerns.

c. Landscaping shall consist of an appropriate mix of trees, shrubs and groundcover. Drought tolerant species shall be encouraged. Where screening is desirable, a combination of trees and shrubs shall be used.

d. Provision shall be made for irrigating all planted areas.

e. All landscaping shall be protected by curbs, header boards or other acceptable barriers. (Ord. 2624 § 5, 1981).

Chapter 22.50

BFC DISTRICT–BAYFRONT CONSERVATION DISTRICT

Sections:

22.50.010 Purpose. The bayfront conservation district has as its general purposes the regulation of land and water uses and activities in order:

1. To prevent destruction or deterioration of habitat and environmental quality;

2. To prevent further loss of public access to and enjoyment of the bayfront; to preserve or establish view corridors to the bayfront;

3. To ensure that potential hazards associated with development on baylands do not endanger public health and safety; and

4. To maintain options for further restoration of former tidal marshlands. (Ord. 2740 § 1 (part), 1982).

22.50.020 Requirement for environmental assessment. Prior to the development and filing for processing of any land use proposals for undeveloped, agricultural or redevelopment lands within the bayfront conservation district, environmental assessments shall be independently prepared to reveal and ascertain the capability and constraints of land and water areas. A composite definition of the appropriate subzone(s) and map delineation for the parcel proposed for development shall be based upon the conclusion and recommendations of the environmental assessment. Thus, a range of permitted and/or conditional uses and specific regulations for development of the site can be established.

The use of environmental assessment is intended to provide the highest degree of environmental protection while permitting reasonable development of sensitive land and water areas consistent with goals, objectives and policies contained within the Marin Countywide Plan. (Ord. 2740 § 1 (part), 1982).

22.50.030 Establishment of district. A bayfront conservation district may be combined with any planned district contained in Chapter 22.47 of this code. When such a combined district occurs as the result of a specific zoning action on a parcel, uses may be permitted which are consistent with the planned district regulations set forth in Chapters 22.45 and 22.47 in addition to the permitted and conditional uses specified in this chapter.

In any such combined district, the calculation of the number of dwelling units allowed under the zoning shall be based on only that portion of the lot area which is above the mean high tide line of the bay; areas that are below the mean high tide lines of the ocean or any bay, river or stream subject to tidal action, shall not be included in the area of the lot for purposes of calculating maximum number of dwelling units allowed under the zoning. Lands excluded from tidal action by artificial structures, built prior to April 18, 1980, shall be included in the lot area. (Ord. 2923 § 2, 1986: Ord. 2740 § 1 (part), 1982).

22.50.040 **Description of bayfront conservation district.** The bayfront conservation district consists of three subzones:

1. The Tidelands Subzone. The tidelands subzone includes all areas subject to tidal action (including salt marshes, beaches, rocky shorelines, and mudflats) and all open water areas. It also includes all the contiguous and adjacent land up to the line of highest tidal action (as applied by BCDC in accordance with the McAteer-Petris Act); or the landward dike which circumscribes tidal inflow; or the nearest publicly-maintained road; whichever of these bounds the largest area of tidal marsh and channels. This

subzone further includes a one hundred-foot band landward on undeveloped land, within which a flexible buffer could be delineated on a case-by-case basis. The purpose of this subzone is to define those areas which should be left in their natural state because of their biological importance to the estuarine ecosystem.

2. Diked Bay Marshland and Agricultural Subzone (Mapped as "modified wetland"). The diked bay marshlands and agricultural subzone includes all historic bay marshlands (as determined by Nicholas and Wright (1971)). These former marshlands have been diked off from tidal action and in many cases filled or partially filled and/or converted to agricultural uses, airports, urban development, and in a few instances lagoons with residences.

The purpose of this subzone is to define those areas in which there are similar subsurface or surface conditions; areas which are close to and functionally related to tidal lands; areas in which it is possible to foster the continuation of agriculture; or, if that ceases, to consider the feasibility of returning undeveloped, unfilled former marshes to a more productive wildlife habitat by restoration. This subzone includes a one hundred-foot band landward on undeveloped lands, within which a flexible buffer can be delineated on a case-by-case basis.

3. Shoreline Subzone. The shoreline subzone includes a few shoreline areas where main public thoroughfares such as Highway 101, Paradise Drive, and San Pedro Road follow the coastline and promote visual access to the bay. The subzone extends from the bayside of the roadway to the tidelands subzone. The purpose of this subzone is to define a viewshed and promote conservation of coastal habitats such as bluff vegetation and wildlife nesting/resting areas. (Ord. 2740 § 1 (part), 1982).

22.50.050 Design standards. 1. Habitats.

a. Buffers between wetland habitat and developed uses should ideally be one hundred feet minimum width, determined by: biological (habitat) significance; sensitivity of habitats or particular species; presence of threatened or endangered species; susceptibility of adjacent site to erosion; topography and configuration of wetland areas; and type and scale of development proposed. Cultural features (e.g., roads and dikes) are useful buffers.

b. The county shall preserve and enhance the diversity of wildlife and aquatic habitats found on the Marin County bayfront lands, including tidal marshes, seasonal marshes, lagoons, natural wetlands, and low-lying grasslands overlying historical marshlands.

c. Development should not encroach into sensitive wildlife habitats, limit normal range areas, create barriers which cut off access to food, water or shelter, or cause damage to fisheries or fish habitats. Buffer zones between development and identified or potential wetland areas should be provided.

Access to environmentally sensitive marshland and adjacent habitat should be restricted. especially during spawning and nesting seasons.

d. Proposed development should not involve the unnecessary removal of vegetation which stabilizes soils, increases recharge and provides wildlife habitats; portions which are cleared should be revegetated with native or noncompeting exotic species of plants where revegation is deemed to be environmentally desirable: and the removal of exotic species which outcompete or otherwise displace native species is encouraged (e.g., pampas grass). This should be done on a case-by-case basis.

e. Freshwater habitats in the bayfront areas associated with freshwater streams and small former marshes should be preserved and/or expanded such that the circulation, distribution and flow of the fresh water supply is facilitated.

2. Access and Recreation.

a. Public access should be sited and designed to facilitate public use and enjoyment of the bayfront lands. Public areas should be clearly marked, and continuous ten-foot pedestrian easements from the nearest roads to the shoreline and along the shoreline should be provided. Public access areas should be designed to minimize possible conflicts between public and private uses on the properties. Walkways should generally be set back at least ten feet from any proposed structure.

b. Within the bayfront conservation zone, provisions should be made for recreational development and access to the shoreline marshes for such uses as fishing, boating, hunting, picnicking, hiking and nature study. There should be provisions for both separated wildlife preserve and more intensively used recreational uses along the bayfront.

3. Buildings.

a. Design and spacing of structures should permit visual access to shoreline areas. Buildings should be clustered to allow bay views from streets and, where appropriate, to allow for animal movement corridors from uplands to marshes. Building heights should be low.

b. Public activity centers where outdoor human activity is expected should be set back at least one hundred feet from the marsh edge (i.e., from the edge of either a defined wetland (diked bay marshland subzone), or in the adjacent tidelands subzone). This includes theaters, restaurants, schools, commercial uses, office uses and similar uses.

c. Buildings or structures that are constructed in designated flood zones shall be in conformance with Section 23.09 of this code.

4. Utilities.

a. All new utility distribution lines shall be placed underground for aesthetic reasons.

5. Environmental Quality.

a. The county may, upon consultation with state, federal and regional agencies, require off-site as well as on-site mitigation measures in order to

eliminate or reduce adverse environmental impacts as a result of any proposed development.

b. Development shall occur in a manner which minimizes the impact of earth disturbance, erosion and water pollution.

c. The development of jetties, piers, and outfalls should not alter the movement patterns of the bay's tides and currents such that significant adverse impacts would result.

6. Diking, Filling and Dredging.

a. The county shall prohibit diking, filling or dredging in areas subject to tidal action (tidelands subzone) unless the area is small (less than one-half acre), isolated, or limited in productivity. In tidal areas, only land uses which are water-dependent shall be permitted, as consistent with federal, state and regional policy (ports, water-related industry and utilities, airports, essential water conveyance, wildlife refuge, and water-oriented recreation). Exemptions may be granted for emergency or precautionary measures taken in the public interest, e.g., protection from flood or other natural hazard. Provision should be made for maintenance of flood control and drainage facilities.

7. Aesthetic and Scenic Quality Policies.

a. The county shall protect visual access to the bayfront and scenic vistas of water and distinct shorelines through its land use and development review procedures.

b. Waterfront development in particular should be designed for openness and permit optimal views for public enjoyment of bayfront lands.

8. Protection from Geologic, Flooding and Other Hazards Policies.

a. Any development proposed for lands within the bayfront conservation zone must be consistent with policies and proposals of the county seismic safety element, including avoidance of areas that pose hazards such as differential settlement, slope instability, liquefaction, ground shaking and rupture, tsunami and other ground failures, and flooding.

b. Those areas underlain by deposits of "young muds" should be reserved for water-related recreational opportunities, habitat, open space, or limited development subject to approval by the corps of engineers and other trustee agencies.

c. Any development (within the watershed areas) proposed for sites that have poor soil conditions for construction or that are seismically active should be designed to minimize earth disturbance, erosion, water pollution and hazards to public safety, or flooding.

9. Agricultural Uses.

a. Agricultural activities should minimize removal of natural vegetation where possible.

b. Use of pesticides, insecticides, etc. should comply with existing federal and state standards as implemented by the county agricultural commission. (Ord. 2740 § 1 (part), 1982).

Chapter 22.54
S DISTRICT

Sections:

22.54.010 Regulations. A. APPLICATION TO REGULATIONS. In any district with which is combined any S district, the following regulations as specified for the respective S district shall apply in lieu of the respective regulations as to uses permitted and building height limitations which are hereinbefore specified for such district with which is combined such S district.

B. PUBLIC UTILITY FACILITIES. All construction, installation, operation and maintenance of public utility, distribution and transmission lines, towers and poles for providing telephone, telegraph, television and electricity services shall be subject to provisions set forth in Section 21645 of the State Public Utilities Code. (Ord. 1522 § 1, 1966: Ord. 798 (part), 1950: Ord. 264 § 11.26 (part), 1938).

22.54.020 S-1 districts. A. USES PERMITTED. All uses permitted in the respective districts with which the S-1 districts are combined, except as follows:

(1) Residential uses where density is designed for over four families per gross acre;

(2) Hotels, auto camps, auto courts, markets, meeting halls, churches, schools, hospitals, theaters, open air viewing stands and places of public assembly and institutions;

(3) Industrial uses where more than twenty persons per any one gross acre are employed.

B. BUILDING HEIGHT LIMIT. Building height shall not exceed that specified for the district with which is combined an S-1 district, and building height shall further be limited so that no part of a building projects above the sloping approach zone surface, described as a uniformly sloping surface which is zero feet in elevation along the line of the S-1 district nearest the runway and one hundred fifty feet in elevation along the line of the S-1 district farthest from the runway. Elevations are from mean sea level. (Ord. 841 (part), 1956: Ord. 798 (part), 1950: Ord. 264 § 11.26 (part), 1938).

22.54.030 S-2 districts. A. USES PERMITTED. All uses permitted in the respective district with which the S-2 districts are combined, except as follows:

(1) Residential uses where density is designed for over four families per gross acre;

(2) Hotels, auto camps, auto courts, markets, meeting halls, churches, schools, hospitals, theaters, open air viewing stands and places of public assembly and institutions;

(3) Industrial uses where more than twenty persons per any one gross acre are employed.

B. BUILDING HEIGHT LIMIT. Building height shall not exceed that specified for the district with which is combined an S-2 district, and building height shall be further limited so that no part of a building projects no farther than the greater of the following:

(1) Fifty feet above natural ground level;

(2) One hundred fifty feet above mean sea level;

(3) Fifty feet above the highest ground elevation within a radius of one-half mile of the structure. (Ord. 1506 § 1 (part), 1966: Ord. 798 (part), 1950: Ord. 264 § 11.26 (part), 1938).

22.54.040 S-3 districts. A. USES PERMITTED. All uses permitted in the respective districts with which the S-3 districts are combined.

B. BUILDING HEIGHT LIMIT. Building height shall not exceed that specified for the district with which is combined an S-3 district, and building height shall be further limited so that no part of a building projects no farther than the greater of the following:

(1) Fifty feet above natural ground level;

(2) One hundred fifty feet above mean sea level;

(3) Fifty feet above the highest ground elevation within a radius of one-half mile of the structure. (Ord. 1506 § 1 (part), 1966: Ord. 798 (part), 1950: Ord. 264 § 11.26 (part), 1938).

Chapter 22.56

C DISTRICTS

Sections:

22.56.010 Purpose. The purpose of this chapter is to provide the mechanisms to implement coastal policies for Marin County. This chapter implements policies which identify the location and density of development, provide for access to and along the coast, protect significant natural resources, protect archeological and historical resources and provide standards for public and private activities. (Ord. 2637 § 6 (part), 1981.)

22.56.020 Applications. The C district shall conform to the coastal zone as established by the Coastal Act of 1976. The following general regulations shall apply in all C zoning districts as noted below and should be subject to the provisions of Chapters 22.62 through 22.74 of this title. The provisions of Section 22.88.010 (3), (5), (6), (7a) through (7e) and (8) shall not apply in C districts.

C Districts

C-ARP	Coastal, agricultural residential planned district
C-APZ	Coastal, agricultural production zone district
C-R-A	Coastal, residential agricultural district
C-R-1	Coastal, one-family residence district
C-R-2	Coastal, two-family residence district
C-RMP	Coastal, residential multiple planned district
C-RSP	Coastal, residential one-family planned district
C-RSPS	Coastal, residential one-family planned district Seadrift Subdivision
C-CP	Coastal, planned commercial district
C-H-1	Coastal, limited roadside business district
C-VCR	Coastal, village commercial residential district
C-OA	Coastal, open area district
C-RMPC	Coastal, residential multiple planned commercial district
C-RCR	Coastal, resort commercial recreation district

(Ord. 2703 § 1, 1982: Ord. 2637 § 6 (part), 1981).

22.56.023 Consistency with California Coastal Act of 1976. Development of all projects in the coastal zone of Marin County shall be generally consistent with the Coastal Act of 1976 and specifically with the Public Access and Recreational Policies (Chapter 6, Sections 30200, 30210, 30211, 30212, 30212.5, 30213, 30220, 30221, 30222, and 30223). In addition, the process of review and approval of any project shall be consistent with the appeals section of the Coastal Act (Chapter 6, Section 30603, paragraph A and B). (Ord. 2637 § 6 (part), 1981).

22.56.025 Application of specific regulations. Specific regulations in addition to the general regulations applicable to all C districts are contained in the provisions for each type of district (Chapter 22.57). (Ord. 2637 § 6 (part), 1981).

22.56.026 Coastal master plan districts. The following C districts shall be subject to the requirements of Chapter 22.45 in addition to the requirements of this chapter: C-ARP, C-RSP, C-RMP, C-CP, C-APZ, C-RSPS, C-RMPC, C-RCR.

All coastal project permits in coastal master plan districts, including approval of a master plan, are appealable under Section 30603 (a) of the Coastal Act. The conceptual land uses approved in any master plan shall not be considered subject to appeal to the California Coastal Commission upon issuance of any subsequent coastal project permit within the master plan district.

The requirements of Chapter 22.45 may be waived by the planning director when:

A. One single-family dwelling unit is proposed for construction on a legal building site;

B. A tentative map requiring a parcel map for four parcels or less is proposed, except in C-APZ districts;

C. The planning director determines that a proposed development is minor or incidental in nature and within the intent and objectives of the local coastal plan.

In granting a waiver from the requirements of Chapter 22.45, the planning director may designate such conditions therewith as will, in the opinion of the planning director, secure substantially the objectives of the regulation or provision for which such waiver is granted.

If master plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design review). (Ord. 2703 § 2, 1982).

22.56.027 Plan area for C-planned districts. The area of the master plan and development plan shall include at least all contiguous properties under the same ownership. The area may also include multiple ownerships. (Ord. 2637 § 6 (part), 1981).

22.56.030 **Definitions.** For the purposes of this chapter, the following terms are defined as follows:

A. "Stream bank" is the immediate watershed and relatively permanent elevation at the waterline of the stream channel which separates the bed from the adjacent upland and confines and preserves the course of the stream. In areas where the bank is not readily discernible, the bank boundary shall be determined by the first line of permanently established riparian vegetation closest to the stream.

B. "Discretionary action" means approval or denial by a county officer, board, or commission, of a project based on findings of fact.

C. "Project" means, on land, in or under water:

1. The placement or creation of any solid material or structure, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line;

2. Discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste, and the mining or extraction of any material;

3. Grading, removing, dredging, mining, or extraction of any materials;

4. Change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code) and any other division of land, including lot splits, except where the land division is for the purchase of such land by a public agency for public recreational use;

5. Change in the intensity or use of water, or of access thereto;

6. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and

7. The removal or harvesting of major trees, rare or endangered species and permanently established riparian vegetation other than for agricultural purposes;

D. "Structure" means any building, road, pipe, flume, conduit, siphon, well, telephone line, and electrical power transmission and distribution lines.

E. "Coastal dependent use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

F. "Visitor-serving facility" means stores, shops, businesses, bed and breakfast houses, recreational facilities (both public and private), which provide accommodations, food and services; including hotels, motels, campgrounds, parks, nature preserves, restaurants, and commercial recreational development such as shopping, eating and amusement areas which are used by the traveling public.

G. "Historic area" means those areas mapped and described in the local coastal plan. These areas are located within Tomales, Marshall, Point Reyes Station, Olema, Inverness, Bolinas and Stinson Beach.

H. "Historic structure" means any building constructed prior to 1930. "Historic structure" also includes secondary buildings on a lot. (Ord. 2739 § 1, 1982; Ord. 2637 § 6 (part), 1981).

22.56.040 Projects allowed by permit. All projects including those of state and local public agencies not exempted by Section 22.56.050 or not otherwise requiring a coastal project permit shall require a coastal project permit. Notwithstanding other requirements of this title, the following projects shall be permitted by approval of a coastal project permit:

A. Uses and structures permitted in the respective coastal districts, including but not limited to:

1. Variances,
2. Use permits,
3. Master plans and development plans,
4. Design review,
5. Sign permits;

B. Tidelands permits processed under Chapter 22.77;

C. Permits for projects processed under other chapters and titles of the Marin County Code, including but not limited to:

1. Grading and excavation permits issued under Title 23,
2. Creek permits issued under Title 11,
3. Dam permits issued under Title 11,
4. Quarry and mining permits issued under Title 23,
5. Domestic water supply permits issued under Title 7,
6. Individual sewage disposal system permits issued under Title 18;

D. Tentative subdivision maps processed under Title 20, and other subdivision activities as defined by the state Subdivision Map Act;

E. The issuance of building permits not exempted under Section 22.56.050;

F. Demolition of existing residential, commercial and other principal structures;

G. Those repair and maintenance activities which involve seawalls and similar shoreline structures as identified in Section 22.56.050 (A);

H. Those improvements and additions to existing buildings and structures which are identified in Section 22.56.055(A-G) as requiring a coastal project permit;

I. Projects conducted by public agencies and private individuals which would normally require a coastal project permit but which are undertaken as emergency measures for the protection of public safety during natural disasters. Such a project shall be reported to the deputy zoning administrator within three working days following its commencement and a coastal project permit applied for;

J. All projects including those of state and local public agencies not exempted by Section 22.56.050 or not otherwise requiring a coastal project permit. (Ord. 2637 § 6 (part), 1981).

22.56.050 Projects exempt from coastal project permit requirements. The following projects in the C districts shall be exempt from the requirements of a coastal project permit:

A. Repair and maintenance activities that do not result in the addition to or enlargement or expansion of the object of such repair or maintenance, except that such repair and maintenance of seawalls, breakwater groins, bluff retaining walls or similar shoreline work shall require a coastal project permit;

B. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers;

C. The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall: 1) conform to applicable existing zoning requirements; 2) be for the same use as the destroyed structure; 3) not exceed either the floor area, height or bulk of the destroyed structure by more than ten percent; and 4) shall be sited in the same location on the affected property as the destroyed structure, unless the planning director determines that a relocation due to proximity to sensitive coastal resources is warranted;

As used in this subsection, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner;

As used in this subsection, "bulk" means total interior cubic volume as measured from the exterior surface of the structure;

D. Except as provided in Section 22.56.055, improvements and additions to existing structures and buildings, including:

1. All fixtures and other structures, including decks, directly attached to the structure,

2. For residential uses, structures on the property normally associated with residences, such as garages, swimming pools, fences and storage sheds; but not including guest houses or self-contained residential units. As used in this section "guest house" means any accessory structure having a floor area of more than four hundred square feet or any accessory structure which contains plumbing,

3. Landscaping on the lot,

4. Additions resulting in an increase of less than ten percent of the internal floor area of an existing structure;

E. Tentative subdivision maps brought about in connection with the purchase of land by a public agency for recreational purposes which are consistent with Section 30106 of the Coastal Act of 1976;

F. Demolition of any secondary or agricultural "historic structure," built prior to 1930, may be exempted from the requirement for a coastal permit upon a finding by the planning director or appropriate hearing body that such structure is not a significant historic resource.

G. Those projects which, pursuant to California Public Resources Code Section 30610 (d) and (f) and implementing regulations, as significantly designated as categorically excluded from the requirements of a coastal permit. (Ord. 2739 § 2, 1982; Ord. 2703 § 3, 1982; Ord. 2637 § 6 (part), 1981).

22.56.055 Projects requiring a coastal project permit. The following types and classes of improvements and additions, in addition to those listed in Section 22.56.040, shall require a coastal project permit:

A. Improvements to any structure on a beach, wetland, stream or seaward of the mean high waterline as established by the U.S. Coast and Geodetic Survey;

B. Any significant alteration of land forms including removal or placement of vegetation on a beach wetland or sand dune, or within one hundred feet of the edge of a coastal bluff, or stream or in areas of natural vegetation designated by the local coastal program as significant natural habitat;

C. The expansion or construction of water wells or septic systems;

D. On property located within the appeal jurisdiction of the California Coastal Commission pursuant to Public Resources Code Sections 30519 (b) and 30603 (a)(1) and (a)(2), an improvement that would result in an increase of ten percent or more of internal floor area of the existing structure, or constitute an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken pursuant to this section, and/or the construction of an additional story (including lofts) in an existing structure;

E. Any improvement to a structure where the development permit issued for the original structure by the county or coastal commission indicated that any future improvements would require a development permit;

F. Any improvement to a structure which increases or decreases the intensity of use of the structure, except as exempted in Section 22.56.050 D (4);

G. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or longterm leasehold, including but not limited to a condominium conversion stock cooperative conversion or motel/hotel time-sharing conversion.

H. Except as exempted in Section 22.56.050 (F), any alteration, addition to or demolition of any structure constructed prior to 1930; provided, such addition, alteration or demolition would require a building permit pursuant to Title 19 of this code. Maintenance or repair to restore the structure to its original architectural character shall not require a coastal project permit. (Ord. 2739 § 3, 1982; Ord. 2637 § 6 (part), 1981).

22.56.060 Application for coastal permit. Where required by this chapter, a coastal project permit shall be applied for prior to or concurrent with other necessary county project permit(s). Where possible, concurrent county processing shall take place. Such application shall be submitted to the planning director and shall be accompanied by such filing fee as established by resolution of the board of supervisors. The planning director shall provide application form(s) for project applications. Such forms shall provide

for submission of a completed coastal project application. The planning director shall take the following actions:

A. Determine if the proposed project is subject to the requirement of a coastal project permit and if so, determine the category of permit for the project in accordance with Section 22.56.062;

B. File the application and provide notice of action on the application per Section 22.56.065;

C. For those projects requiring a public hearing, transmit an application summary and recommendation thereon to the appropriate body specified in Section 22.56.070. (Ord. 2637 § 6 (part), 1981).

22.56.062 Determination of permit category. The planning director's determination of a project's permit status shall be made with reference to the certified local coastal program, including maps, categorical exclusions, land use designations and implementation programs adopted as a part of the local coastal program. Where the applicant or interested person disputes the planning director's determination, the following procedure for resolution shall be utilized:

A. Where the planning director determines that a coastal project is categorically excluded under the provisions of Section 22.56.050(G), such determination shall not become final until the appeal period established herein has expired. The planning director shall maintain a listing of those projects determined to be categorically excluded from the requirements of a coastal project permit. This listing shall be available for public inspection and shall include the applicant's name, project description and location and the date of the planning director's determination. If the planning director's determination is disputed, an appeal letter, setting forth the grounds of the appeal must be filed with the planning commission. Such an appeal must be filed within five working days of the date of the planning director's original determination. The planning director shall notify the applicant and others who have requested such notice of the filing of such an appeal at least ten working days prior to the appeal's consideration by the planning commission. The planning director's report to the planning commission shall include the opinion of the coastal commission's executive director on the determination under question. The planning commission shall consider the written and verbal testimony it finds necessary to make its determination. The planning commission's decision shall be final unless appealed per the provisions of subsection D of this section.

B. Where the planning director determines that a permit does not require a public hearing or is otherwise "not appealable" per the definitions of Section 22.56.070, and such determination is disputed by an interested party, an appeal to the planning commission may be filed per the requirements and procedures set forth in subsection A of this section. Upon the filing of such an appeal, the planning director shall prepare a report to the planning commission, including the determination of the executive director

of the coastal commission on the disputed issue. Should the planning commission determine the project is subject to the requirements of a public hearing, it shall return the application to the planning director for processing under the requirements so determined.

C. If the planning director's determination that a coastal project is subject to the public hearing requirements of this chapter is disputed by the applicant or any interested person, such dispute shall be decided by the initial hearing body prior to action on the coastal project. In the case of such dispute, an appeal letter, setting forth the grounds of the disagreement with the planning director's determination, must be filed with the planning department at least five working days prior to the initial public hearing scheduled for the project. In the case of such dispute, the planning director shall prepare a report of the disputed issue. The report shall include the opinion of the executive director of the coastal commission on the dispute. Upon the determination of the hearing body that a public hearing is required, the hearing and action on the project shall be set for the next available meeting. Should the project be determined not subject to public hearing, the application shall be returned to the planning director for processing under the requirements so determined. Where the initial hearing body is not the planning commission, the determination of the project's hearing status may be appealed to the planning commission. Such appeals shall be filed per the requirements of subsection A of this section.

D. The planning commission's determination of permit category may be appealed to the board of supervisors within five working days of the planning commission's decision. The board of supervisors may reject such an appeal where it determines the appeal raises no substantial issue or it may, following public notice, as established in subsection A of this section, determine the dispute under question. The board of supervisor's determination of permit category may be appealed to the coastal commission. Such an appeal must be filed with that commission within ten working days of the board of supervisor's decision.

E. Where, after final determination by the planning commission or the board of supervisors, the determination of the executive director of the coastal commission differs from the determination of the planning commission/board of supervisors, action on the proposed project shall be suspended pending a coastal commission decision of the permit category. (Ord. 2637 § 6 (part), 1981).

22.56.065 Notice required. Notice of a pending action on a coastal permit shall be given as follows:

A. Coastal project applications requiring a public hearing under Section 22.56.070 shall be noticed by mailing notices ten working days prior to the date of the hearing to all property owners within three hundred feet of the project boundary, to all interested groups and individuals which have requested such notice of coastal projects and to the California Coastal

Commission. Additionally, the site of the proposed project shall be posted with a copy of the notice at least ten working days prior to the date of the hearing.

B. Coastal project applications not requiring a public hearing under Section 22.56.070 shall be noticed by the mailing of notice at least ten working days prior to the decision on the project. Such notice shall be sent to property owners within three hundred feet of the project, to interested groups and individuals which have requested such notice and to the California Coastal Commission. Additionally, the site of the proposed project shall be posted with a copy of the notice at least ten working days prior to the date of hearing.

C. The required notice may be combined with other required project permit notice(s) but shall be mailed by first class and shall include the following information:

1. A statement that the project is within the coastal zone, and that the project decision will include a determination on a coastal project permit;

2. The date of the filing of the application, an identification number and name of the applicant;

3. A description of the proposed project and its location;

4. A determination of whether the project is appealable to the California Coastal Commission under Section 30603 (a) of the California Public Resources Code;

5. The date, time and place of the hearing and/or decision on the application; and

6. A brief description of the procedures for public comment and decision on the application including the system of appeal if applicable.

D. If, in the opinion of the planning director, alternative and/or additional notice procedures are desirable or warranted, notice of a coastal project application shall be published in a newspaper of general circulation within the coastal zone at least seven working days prior to the hearing or intended decision on the application. The planning director may also require additional means of notice which is reasonably determined necessary to provide adequate public notice of the proposed project decision.

E. If a decision on a development permit is continued to a date or time not specific, the item shall be renoticed in the same manner and within the same time limits as established within this section. (Ord. 2703 § 4, 1982; Ord. 2637 § 6 (part), 1981).

22.56.070 Action on coastal project permit. For the purposes of notice and processing procedures, coastal development permits are divided into two categories.

A. "Public hearing coastal project applications" are defined as those projects where either: 1) the C zone or title of the county code requires a public hearing or other discretionary action by a county officer, board or commission including, but not limited to: land divisions, subdivisions,

variances, use permits, design reviews, master plans, development plans, sign reviews, tideland permits, excavation permits, and quarrying permits; or, 2) the project is defined as an appealable project per California Public Resources Code Section 30603 (a).

Where the action required for the project by its C zone or other title of county code is to be made by the deputy zoning administrator, environmental protection committee, planning commission, or board of supervisors, that officer, board or commission shall concurrently conduct a public hearing and approve or deny the application for a coastal project permit.

Where the action required for the project by its C zone or other title of county code is to be made by the planning director, or any other county officer, and a public hearing is required pursuant to this section, the deputy zoning administrator shall hold a public hearing and approve or deny the coastal project application.

For projects requiring multiple approvals under the various titles of county code, and where at least one approval is required by the deputy zoning administrator or planning commission, the deputy zoning administrator or planning commission may hold the public hearing and approve or deny the coastal project application.

For appealable projects or other public hearing coastal projects for which the county permit requirements do not identify a decision or hearing body, the coastal project application shall be heard and approved or denied by the deputy zoning administrator.

B. "Non-hearing coastal projects permits" are identified as those projects for which the C zone or title does not require a public hearing or other discretionary action by a county officer, board or commission or is not appealable as defined by California Public Resources Code Section 30603 (a). Where a coastal project permit application is determined a non-hearing application, the planning director shall approve or deny the application for the coastal project permit. (Ord. 2637 § 6 (part), 1981).

22.56.075 County appeals of coastal project permit action. County action on a coastal project permit shall not be final until the appeal period(s) established in Chapter 22.89 (Appeals) and this section expires, or if appealed, until all levels of appeal brought by an appellant in conformance with this section have been exhausted. Upon receipt of an appeal, the appellate body shall provide notice as required in Section 22.56.065. Appeals shall be filed with the appropriate county appellate body setting forth the grounds of appeal. The action on the coastal development permit, including any conditions may be appealed to county appellate bodies by any person as established in Chapter 22.89. Such appeals must be filed in the office of the appellate body not later than five p.m. of the fifth working day following the date of the action from which the appeal is taken. (Ord. 2637 § 6 (part), 1981).

22.56.080 Appeals to the California Coastal Commission. For those coastal project permits which are approved for developments defined as "appealable" under California Public Resources Code, Section 30603 (a), an appeal may be filed with the California Coastal Commission by: 1) an aggrieved party; 2) the applicant; or 3) two members of the coastal commission. Such appeals must be filed in the office of the California Coastal Commission not later than five p.m. of the tenth working day following the date of action from which the appeal is taken. In the case of an appeal by an applicant or aggrieved party, the appellant must have first pursued appeal to the county appellate body (or bodies) as established in Section 22.56.075 of this chapter to be considered an aggrieved party.

Where two coastal commissioners bring an appeal against a project which was approved by a person or body other than the board of supervisors, the board may, at its option, elect to consider the appeal prior to any action by the coastal commission. The board of supervisors shall notify the coastal commission of its decision to consider such an appeal within twelve working days of the county's receipt of notice of an appeal by two coastal commissioners. County action on an appealable project shall not be deemed final if the board of supervisors elects to consider such appeals. The notice requirements of Section 22.56.065 shall apply to those projects the board of supervisors may elect to hear. (Ord. 2637 § 6 (part), 1981).

22.56.090 Projects requiring a coastal development permit from the California Coastal Commission. Notwithstanding other permit and appeal provisions of this chapter, development proposals which are located on lands identified as tidelands, submerged lands or public trust lands shall, pursuant to the requirements of California Public Resources Code Section 30519 (b), require a coastal permit from the California Coastal Commission. Determination of jurisdiction shall be based upon maps and other descriptive information identifying such lands, which the county, the California Coastal Commission and/or State Lands Commission may supply. Applicants whose land is seaward of the line of Coastal Commission original jurisdiction shall apply to the Coastal Commission for coastal development permits. Before issuing a coastal permit, the Commission will refer the application to the State Lands Commission for a determination whether a State Lands Commission permit or lease is required for the proposed development and whether the State Lands Commission finds it appropriate to exercise the easement over that property. The Coastal Commission shall also refer the application to the county of Marin for review and comment. County designation of land use on public trust lands shall be advisory only. Applicants whose land is landward of the line of Coastal Commission jurisdiction shall apply to the county of Marin for a coastal project permit in accordance with this chapter. (Ord. 2703 § 5, 1982: Ord. 2637 § 6 (part), 1981).

22.56.095 Findings. A coastal project permit shall be approved only upon findings of fact establishing that the project conforms to the requirements and objectives of the local coastal program. Said findings shall reference applicable policies of the local coastal program where necessary or appropriate. Where the project is located between the nearest public road and the sea or the shoreline of Bolinas Lagoon, the findings shall include a determination of the project's conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code). For projects involving demolitions, the findings shall explicitly establish the projects's conformance with the LCP policies and the requirements established by Section 22.56.130. (Ord. 2637 § 6 (part), 1981).

22.56.100 Notice of final action. Within seven calendar days of a final county decision on an application for a coastal project permit, the planning director shall provide notice of the action by first class mail to the California Coastal Commission and to any persons who specifically requested such notice and provided a self-addressed, stamped envelope or other designated fee covering mailing costs. Such notice shall include conditions of approval, written findings and the procedures for appeal of the county decision to the California Coastal Commission. (Ord. 2637 § 6 (part), 1981).

22.56.105 Failure to act—Notice. A. Notification by Applicant. If the county has failed to act on an application within the time limits set forth in Article 5, ("Approval of Development Permits") of Title 7, Division I, Chapter 4.5 of the Government Code, commencing with 65950, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Section 65950 et seq. shall notify, in writing, the county and the coastal commission of the claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

B. Notification by Local Government. Upon determination that the time limits established pursuant to Government Code Section 69550 et seq. have expired, the planning director shall, within five working days of such determination notify those persons entitled to receive notice pursuant to Section 22.56.065 that it has taken final action by operation of law pursuant to Government Code Section 65956. The appeal period for projects approved by operation of law shall begin only upon receipt of the county's notice in the office of the California Coastal Commission. (Ord. 2637 § 6 (part), 1981).

22.56.110 Effective date of final action on coastal project. A final decision of a local government on an application for an appealable development shall become effective after the ten working day period to the California Coastal Commission has expired or after the twenty-first calendar day following the final local action unless any of the following occur:

A. An appeal is filed in accordance with Section 22.56.080;

B. The notice of final coastal project permit does not meet the requirements of Section 22.56.100;

C. The notice of final action is not received in the California Coastal Commission office and/or distributed to interested parties in time to allow for the ten working day appeal period within the twenty-one days after the county decision.

Where any of the above circumstances in subsections A through C of this section occur, the coastal commission shall, within five working days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended. (Ord. 2637 § 6 (part), 1981).

22.56.115 Amendments to coastal project permits. A coastal project permit may be amended by the original approving officer or body in the same manner specified for initial approval. Amendment requests shall be subject to the appeal provisions established in Sections 22.56.075 and 22.56.080, as applicable. (Ord. 2637 § 6 (part), 1981).

22.56.120 Expiration date and time extensions. A coastal project permit shall expire two years from the effective date of approval. Prior to expiration of a coastal project permit approval, the applicant may apply for an extension up to a maximum period of four years from the original date of expiration. Notice of a permit extension request shall be provided as established in Section 22.56.065. For permits originally issued following a public hearing, pursuant to Section 22.56.070 (A), the deputy zoning administrator shall hear and decide the extension request. Extensions for coastal project permits originally issued pursuant to Section 22.56.070(B) shall be issued by the planning director. Coastal project permit extensions may be granted upon findings that the project continues to be in conformance with the requirements and objectives of the certified local coastal program. Permit extensions may be appealed as established in Section 22.56.080. If a building permit or other permit is issued during the effective life of a coastal project permit, the expiration date of the coastal project permit shall be automatically extended to concur with the expiration date of the permit. (Ord. 3126 § 2, 1993: Ord. 2637 § 6 (part), 1981).

22.56.130 Development requirements, standards and conditions. A. Water Supply. Coastal project permits shall be granted only upon a determination that water service to the proposed project is of an adequate quantity and quality to serve the proposed use.

1. Except as provided in this section, the use of individual water wells shall be allowed within the zone in conformance with Chapter 7.28 (Domestic Water Supply) of the Marin County Code:

a. New developments located within the service area of a community or mutual water system may not utilize individual domestic water wells unless the

community or mutual water system is unable or unwilling to provide water or the physical distribution improvements are economically or physically infeasible to extend to the proposed site. Additionally, wells or water sources shall be at least one hundred feet from all property lines or a finding shall be made that no development constraints are placed on neighboring properties.

b. Within the Inverness planning area, individual wells for domestic use shall not be allowed on parcels of less than 2.8 acres in size. Exceptions to this requirement may be granted pursuant to the issuance of a coastal permit. In addition to the findings of Chapters 22.56 and 22.86, the applicant must demonstrate to the satisfaction of the health officer that a well can be developed on the substandard size parcel in a completely safe and sanitary manner.

c. Within the Inverness public utility district (IPUD), individual wells for domestic use shall not be permitted in the same watershed, at an elevation higher than the IPUD surface water sources existing as of June 14, 1983.

d. The issuance of a coastal permit for any well shall be subject to a finding that the well will not have an adverse impact on coastal resources individually or cumulatively.

2. Prior to the authorization of subdivisions or construction of projects utilizing individual water wells, the applicant shall demonstrate a sustained water-well yield of at least one gallon per minute per residential unit. Additional requirements for fire protection, including increased yield rates, water storage facilities and fire hydrants shall be installed as recommended by the applicable fire protection agency.

3. New community and mutual water wells serving five or more parcels shall demonstrate, by professional engineering studies, that such groundwater withdrawal will not adversely affect aquifer systems. Such engineering studies shall provide the basis of establishing safe, sustained yields from these wells.

4. New development shall be required to incorporate low-flow water fixtures and other water-saving devices.

B. Septic System Standards. The following standards apply for projects which utilize septic systems for sewage disposal.

1. All septic systems within the coastal zone shall conform with the "Minimum Guidelines for the Control of Individual Wastewater Treatment and Disposal Systems" adopted by the Regional Water Quality Control Board on April 17, 1979, or the Marin County Code, whichever is more stringent. No waivers shall be permitted except where a public entity has formally assumed responsibility for inspecting, monitoring and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Control Board, or where such waivers have otherwise been reviewed and approved under standards established by the Regional Water Quality Control Board.

2. Alternate waste disposal systems shall be approved only where a public entity has formally assumed responsibility for inspecting, monitoring and enforcing the maintenance of the system in accordance with criteria adopted by the Regional Water Quality Control Board.

3. Where a coastal project permit is necessary for the enlargement or change in the type of intensity of use of an existing structure the project's septic system must be determined consistent with the current guidelines of the Regional Water Quality Control Board or such other program standards as adopted by the county.

C. Grading and Excavation. The following standards shall apply to coastal projects which involve the grading and excavation of one hundred fifty cubic yards or more of material:

1. Development shall be designed to fit a site's topography and existing soil, geological, and hydrological conditions so that grading, cut and fill operations, and other site preparations are kept to an absolute minimum and natural landforms are preserved. Development shall not be allowed on sites, or areas of a site, which are not suited to development because of known soil, geology, flood, erosion or other hazards that exist to such a degree that corrective work, consistent with these policies (including but not limited to the protection of natural landform), is unable to eliminate hazards to the property endangered thereby.

2. For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be discouraged during the winter rainy season and stabilizing slopes shall be in place before the beginning of the rainy season.

3. In addition to such standards as may be imposed under Section 23.08.090, the following standards shall be required:

a. Sediment basins (including debris basins, desilting basins, ponding areas or silt traps) shall be installed at the beginning of grading operations and maintained throughout the development process to remove sediment from runoff waters. Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils which have been exposed during grading or development. Cut and fill slopes shall be permanently stabilized as soon as possible with native plants or other suitable landscaping techniques.

b. The extent of impervious surfaces shall be minimized to the greatest degree possible. Water runoff beyond natural levels shall be retained on-site whenever possible to facilitate maximum groundwater recharge. In order to prevent gullying on-site and down-stream erosion of existing stream

channels, the velocity of runoff on and off the site shall be dissipated through the application of appropriate drainage controls so that the runoff rate does not exceed the stormwater runoff from the area in its natural or undeveloped state. Grassed or natural waterways are preferred to concrete storm drains for runoff conveyance.

c. Pollutants such as chemicals, fuels, and other harmful materials shall be collected and disposed of in an approved manner.

d. Where topsoil is removed by grading operations, it shall be stockpiled for subsequent reuse, where appropriate.

e. All debris shall be removed from the site upon the completion of the project.

f. Permit applications for grading which involve cut slopes in excess of eight feet or fill in excess of five feet shall include a report from a registered soils or civil engineer.

D. Archaeological Resources.

1. Prior to the approval of any proposed development within an area of known or probable archaeological significance, a limited field survey by a qualified professional at the applicant's expense shall be required to determine the extent of the archaeological resources on the site. Where the results of such survey indicate the potential to adversely impact probable archaeological resources, the report shall be transmitted to the appropriate clearinghouse for comment. The county planning department shall maintain a confidential map file of known or probable archaeological sites so as to assist in site identification.

2. Where development would adversely impact archaeological resources or paleontological resources which have been identified, reasonable mitigation measures shall be required as may be recommended by the field surveyor or by the State Historic Preservation Officer. Such mitigation shall include, as necessary:

a. The resiting or redesign of development to avoid the site;

b. That, for a specified period of time prior to the commencement of development, the site be opened to qualified, approved professional/educational parties for the purpose of exploration/excavation;

c. The utilization of special construction techniques to maintain the resources intact and reasonably accessible;

d. Where specific or long-term protection is necessary, sites shall be protected by the imposition of recorded open space easements; and

e. For significant sites of unique archaeological resource value, where other mitigation techniques do not provide a necessary level of protection, the project shall not be approved until the determination is made that there are no reasonably available sources of funds to purchase the property.

E. Coastal Access:

1. All coastal project permits shall be evaluated to determine the project's relationship to the maintenance and provision of public access and use of coastal beaches, waters and tidelands.

a. Except as provided in paragraph b below, for projects located

between the sea and first public road (as established by the mapped appeal area), a coastal project permit shall include provisions to assure public access to coastal beaches and tidelands. Such access shall include, either singularly or in combination:

i. The offer of dedication of public pedestrian access easements from the public road to the ocean;

ii. The offer of dedication of public access easements along the dry sand beach areas adjacent public tidelands; and

iii. Bluff top trail easements where necessary to provide and maintain public views and access to coastal areas.

Such offers of easement shall be for a minimum period of twenty years and shall provide for the easement acceptance by an appropriate public agency and/or private organization. Liability issues pertaining to the access easement shall be resolved prior to acceptance of any offer of dedication.

b. Upon specific findings that public access would be inconsistent with the protection of: 1) public safety; 2) fragile coastal resources; or 3) agricultural production or, upon specific findings that public use of an accessway would seriously interfere with the privacy of existing homes, provision for coastal access need not be required. In determining whether access is inconsistent with the above, the findings shall specifically consider whether mitigation measures such as setbacks from sensitive habitats, trail or stairway development, or regulation of time, seasons, or types of use could be developed which would adequately mitigate any potential adverse impacts of public access. A finding that an access way can be located ten feet or more from an existing single-family residence or be separated by a landscape buffer or fencing if necessary should be considered to provide adequately for the privacy of existing homes.

c. Prescriptive Rights. Where evidence of prescriptive rights (historic public use) is found in reviewing a coastal permit application, equivalent access easements to protect the types, intensity and areas subject to prescriptive rights shall be required as a condition of permit approval. Development may be sited in an area of historic public use if equivalent type, intensity and area of replacement public access is provided on or reasonably adjacent to the project site (parcel). If requirement of access easements to protect areas of historic use would preclude all reasonable private use of the project site, the county, in consultation with the Coastal Commission and the California Attorney General's Office, shall review the existence of prescriptive rights. If the county concludes that convincing evidence of implied dedication or prescriptive rights in favor of the public exists, the county or the Coastal Commission and the Attorney General at the request of the county shall, consistent with the availability of staff and funds, seek a court determination and confirmation of such public rights. If, after sixty days, the county concludes that such evidence is inconclusive, the county may approve development on such areas (except those used for

lateral access), provided that all impacts on public access are mitigated in the same vicinity substantially in accordance with the local coastal program's public access policies. Such mitigation may include securing an accessway on other property in the same vicinity, or providing an in-lieu fee to a public agency or private association approved by the county and Commission for acquisition, improvement, or maintenance of access in the same vicinity. Same vicinity is considered to be within one thousand feet or less of the project site (parcel).

d. Where development involves land which may be subject to the doctrine of public trust easements, a project description shall be forwarded to the office of the State Lands Commission for its determination of the status of the land in question. The State Lands Commission shall be requested to indicate if the project is located on tidelands or submerged lands and whether a State Lands Commission permit or lease is required for the proposed development. Such a determination shall be made prior to any authorization of construction for a coastal project. County action on proposed coastal projects identified as located upon tidelands, submerged lands or public trust lands, per the provision of Public Resources Code Section 30519 (b), shall be advisory only. Such project applications, including those advisory recommendations as the county deems appropriate, shall be forwarded to the California Coastal Commission for its action on the coastal project.

2. Specific Geographic Requirements—Coastal Access.

a. Mount Tamalpais State Park and Lands. The development of additional recreational and visitor services on those portions of the Mount Tamalpais State Park within the coastal zone, including hiking trails, equestrian trails, a "primitive" hostel at the Steep Ravine cabins and improved parking and support facilities at Red Rock are consistent with the LCP policies. Such facilities shall be similar in design, size and/or location as those proposed by the Mount Tamalpais State Park Plan. Consistent with the protection of significant resources, additional trail development to improve access to public tidelands is encouraged.

b. Maintenance of Existing Coastal Access. Development which may interfere with existing coastal access shall not be permitted or shall be conditioned to assure substantially the same level and location of public access is maintained. The following specific access areas shall be retained through coastal permit regulation program:

i. Stinson Beach. The county park lands at Calle del Sierra: (Upton Beach) established pedestrian access ways at Walla Vista and the Calles, and the maintenance of on-street parking along the northerly side of Calle del Arroyo;

ii. Bolinas. Historic public use of the two access trails across Bolinas Mesa to the RCA beach and of the beach area itself shall be protected in accordance with the access program approved by the North Central Coast

Regional Commission in its action on Permit No. 31-78 (Commonweal). As provided by the conditions of the commonweal permit approval, use of the access trails and beach areas shall be limited to the level and character of the historic use of the property (including but not limited to use for beach access. hiking, swimming, and horseback riding) in order to protect the natural resources of Duxbury Reef. The public access to Duxbury Reef shall continue under present management programs.

F. Housing. Existing residential buildings which provide housing opportunities for persons of low and moderate income (as defined by the most recent federal housing and urban development guidelines) shall be removed or demolished only upon specific findings that:

1. The structure poses an immediate and established health or safety hazard;

2. Based upon established procedures, that the rehabilitation of the existing structure is not feasible ("feasible" shall be defined per Section 30108 of the Coastal Act); and

3. Such demolition coupled with subsequent reconstruction would provide replacement housing of comparable rental value either on site or within the immediate coastal zone area.

G. Stream and Wetland Resource Protection. The following standards shall apply to all development within or adjacent streams identified as blue-line streams on the most recent edition of the USGS seven and one-half minute quadrangle map(s) for the project area.

1. Stream impoundments and diversions shall be limited to necessary water supply projects, flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or developments where the primary function is the improvement of fish and wildlife habitat. Before any such activities are permitted, minimum flows necessary to maintain fish habitat and existing water quality, and to protect downstream resources (e.g. riparian vegetation, groundwater recharge areas, receiving waters, estuarine habitats, spawning areas) and other downstream users shall be determined by the Department of Fish and Game and the Division of Water Rights of the State Water Resources Control Board. New impoundments or diversions which, individually or cumulatively, would decrease streamflows below the minimum shall not be permitted.

2. The alteration of stream channels and banks shall be allowed only for the developments identified in subdivision G1 of this section in order to protect streamwater quality and the volume and rate of streamflow. All such developments shall incorporate the best mitigation measures feasible, including erosion and runoff control measures and revegetation of disturbed areas with native species.

3. For proposed projects located adjacent to streams, application submittals shall include the identification of existing riparian vegetation as a riparian protection area. No construction, alteration of land forms or vegetation removal shall be permitted within such riparian protection area.

Additionally, such project applications shall identify a stream buffer area which shall extend a minimum of fifty feet from the outer edge of riparian vegetation, but in no case less than one hundred feet from the banks of a stream. Development shall not be located within this stream buffer area. When a parcel is located entirely within a stream buffer area, design review shall be required to identify and implement the mitigation measures necessary to protect water quality, riparian vegetation and the rate and volume of stream flows. The design process shall also address the impacts of erosion and runoff, and provide for the restoration of disturbed areas by replacement landscaping with plant species naturally found on the site. Where a finding based upon factual evidence is made that development outside a riparian protection or stream buffer area would be more environmentally damaging to the riparian habitat than development within the riparian protection or stream buffer area, development of principal permitted uses may occur within such area subject to design review and appropriate mitigation measures.

4. Development applications on lands surrounding Bolinas Lagoon and other wetlands as identified on the appeals area map(s) shall include the designation of a wetland buffer area. The buffer area shall include those identified or apparent wetland related resources but in no case shall be less than a minimum of one hundred feet in width from the subject wetland. To the maximum extent feasible, the buffer area shall be retained in a natural condition and development located outside the buffer area. Only those uses dependent upon the resources of the wetland shall be permitted within the wetland buffer area.

5. The diking, filling, dredging and other alterations of wetlands shall occur only for minor, public works projects and shall be in conformance with the Coastal Act Section 30233. No physical improvements along the county parklands surrounding Bolinas Lagoon shall occur. Land uses in and adjacent to wetlands shall be evaluated as follows:

a. Filling of wetlands for the purposes of single-family residential development shall not be permitted.

b. Allowable resource-dependent activities in wetlands shall include fishing, recreational clamming, hiking, hunting, nature study, birdwatching and boating.

c. No grazing or other agricultural uses shall be permitted in wetlands except in those reclaimed areas presently used for such activities.

d. A buffer strip one hundred feet in width, minimum, as measured landward from the edge of the wetland, shall be established along the periphery of all wetlands. Development activities and uses in the wetland buffer shall be limited to those allowed pursuant to Section 30233 of the Coastal Act of 1976.

e. As part of the development on any parcel adjacent to Tomales Bay, except where there is no evidence of wetlands pursuant to the Coastal Commission's adopted guidelines, the applicant shall be required to submit

supplemental biological information prepared by a qualified ecologist at a scale sufficient to identify the extent of existing wetlands based on Section 30121 of the Coastal Act and the area of the proposed buffer areas.

f. All conditions and standards of the LCP, relating to diking, filling and dredging shall be met.

6. In order to protect the significant wetland and upland habitat value of that eleven-acre property known as the Henry Wilkins property (AP # 195-290-13 and 24) and any change in the present density and type of use shall be preceded by a detailed environmental investigation and assessment of the resources of the site. No development or change in use which adversely impacts these resource values shall be permitted.

H. Dune Protection.

1. No development, including grading, erection of fences, signs or other primary or accessory structures shall be permitted seaward of that undeveloped right-of-way known as Mira Vista Street in Stinson Beach.

2. Except for those shoreline protective works otherwise permitted by this chapter, development, including signs, fences and grading activities shall not be permitted seaward of the established building setback lines established by zoning districts for shoreline parcels.

3. Development of shorefront lots within the Stinson Beach and Seadrift area shall assure preservation of the existing sand dune formations in order to protect environmentally sensitive dune habitat, vegetation and to maintain the natural protection from wave runup which such natural dunes provide. Where no dunes are evident, new development shall, to the maximum extent feasible, be set back behind the first line of terrestrial vegetation. Development approvals for new projects located along such shorefront parcels shall be accompanied by findings, including mitigation conditions, establishing the project's design and location, minimizing the need for shoreline protective works, protecting sandy beach habitat, providing a buffer area between public and private use areas, protecting the scenic and recreational character of the beach and maintaining the public rights of access to and use of beach dry sand areas. Permits authorizing repair and maintenance to existing shoreline structures shall to the extent feasible, provide for the above standards and objectives.

4. Project proposals for the subdivision of beach front lots shall be permitted only upon explicit findings that the increased development density and/or location is consistent with the standards and objectives established in subdivision 3 of this subsection.

5. No development shall be permitted in the sensitive coastal dune habitats in order to preserve dune formations, vegetation and wildlife habitats. Overuse in dune areas shall be prevented by such mechanisms as restricting parking, directing pedestrian traffic to areas capable of sustaining increased use, and fencing. No motor vehicles shall be permitted in beach or dune areas except for emergency purposes.

I. Wildlife Habitat Protection.

1. Proposal to remove significant vegetation on sites identified on the adopted natural resource map(s) and generally described in Section 2 of the LCP shall require a coastal permit. Significant alteration or removal of such vegetation shall not be permitted except where it poses a threat to life or property.

2. Siting of New Development. Coastal project permit applications shall be accompanied by detailed site plans indicating existing and proposed construction, major vegetation, watercourses, natural features and other probable wildlife habitat areas. Development shall be sited to avoid such wildlife habitat areas and to provide buffers for such habitat areas. Construction activities shall be phased to reduce impacts during breeding and nesting periods. Development that significantly interferes with wildlife movement, particularly access to water, shall not be permitted.

J. Protection of Native Plant Communities. Where the officer or body reviewing a coastal project application determines that a project site contains a significant number or type of nonindigenous, invasive plant species which would threaten the preservation or reestablishment of native plant species, either on or off site, the project's approval shall be conditioned upon the removal of such nonindigenous plant material.

K. Shoreline Protection.

1. Bluff Top Setbacks. New structures shall be set back from coastal bluff areas a sufficient distance to ensure with reasonable certainty that they are not threatened from cliff retreat within their economic life expectancies. Adequate setback distances will be determined from information contained in required geologic reports and the setback formula established below. These setbacks will be of sufficient distance to eliminate the need for shoreline protective works. The following formula will be used to determine setbacks from the bluff for new structures:

Setback (meters) = structure life (years, normally at least 40 years) X retreat rate (meters/year). In areas where vigorous sliding is taking place, an additional 15 meters should be added as a safety factor.

The retreat rate shall be determined by a geotechnical investigation conducted by a professional engineer or registered geologist which explicitly examines the site's geotechnical capability to adequately support the proposed development. The report shall include the historic and projected rate(s) of bluff retreat attributable to wave and/or surface runoff erosion. The geotechnical report shall be required in either of the following:

a. The building or proposed development site is within one hundred fifty feet of a blufftop.

b. The building site is located within stability zones 3 or 4 as indicated on the slope stability maps for the Bolinas and Tomales areas, which maps accompany Wagner's 1977 report, "Geology for Planning, Western Marin County". This report and accompanying maps are incorporated by reference as part of this chapter.

2. Standards and requirements for shoreline protective works. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline process shall be permitted only when:

a. Required to serve coastal-dependent uses or to protect existing structures (constructed before adoption of the LCP).

b. No other nonstructural alternative is practical or preferable.

c. The condition causing the problem is site specific and not attributable to a general erosion trend, or the project reduces the need for a number of individual projects and solves a regional erosion problem.

d. The structure will not be located in wetlands or other significant resource or habitat area, and will not cause significant adverse impacts to fish or wildlife.

e. There will be no reduction in public access, use and enjoyment of the natural shoreline environment, and construction of a structure will preserve or provide access to related public recreational lands or facilities.

f. The structure will not restrict navigation, mariculture or other coastal use and will not create a hazard in the area in which it is built.

In the absence of an overall wave hazard/shoreline erosion study, any permit application for seawalls, riprap or other protective structures on beaches, shall be accompanied by engineering reports stating the nature and extent of wave erosion hazard along the beach area and an explanation of how the proposed protective works will mitigate the hazard, both on and off the project site. This requirement shall not apply to emergency permit applications applied for prior to January 1, 1983. Emergency permit applications after that date shall be subject to report requirement or shall specifically establish why the need for such protective devices was not forseen and previously addressed through nonemergency permit applications.

Applications for placement of protective structures on beaches shall be accompanied by an engineers report unless an overall wave hazard/shoreline erosion report exists. Said engineers report shall include:

a. A statement of the nature and extent of wave erosion hazard;

b. An analysis of how the proposed protective works will mitigate the hazard both on and off the site;

c. An assessment of any adverse impacts to adjacent properties or resources that might reasonably be expected to result from construction of the protective structure.

Design standards for all shoreline structures. The design and construction of any shoreline structure shall:

a. Make it as visually unobtrusive as possible;

b. Respect natural landforms to the greatest degree possible;

c. Include mitigation measures to offset any impacts on fish and wildlife resources caused by the project;

d. Minimize the impairment and movement of sand supply and the circulation of coastal waters;

e. Address the geologic hazards presented by construction in or near Alquist-Priola earthquake hazard zones;

f. Provide for the reestablishment of the former dune contour and appearance.

L. Geologic Hazardous Areas.

1. Prior to the issuance of a coastal development permit for projects located in areas depicted by the Unit I LCP geologic hazards maps, the owner (applicant) shall:

a. Execute and record a waiver of public liability holding the county, other governmental agencies and the public harmless because of loss experienced by geologic activities. The waiver of liability shall be in a form approved by county counsel and run with the property; and

b. Submit along with the permit application, a report from a registered civil or structural engineer briefly describing the extent of potential geologic hazards and those construction, siting and other recommended techniques to mitigate those possible geologic hazards.

The planning commission, following consultation with the director of public works, may modify said requirement in subdivision 1 above for selected areas or types of projects where the commission finds that:

i. The project area is of the same general geologic nature and sufficient data has been developed (such as by a "Master Engineering Report") to adequately judge the risk and resulting standards necessary for such areas; or

ii. The type of project is a minor structure, not for human habitation, which presents little risk on or off site, by possible geologic hazards.

2. Floodplain Development. Coastal project permit applications adjacent to streams which periodically flood shall include a site plan that identifies the one hundred-year floodplain (as described by the Army Corps of Engineers). Development of permanent structures and other significant improvements shall not be permitted within the limits of the one hundred-year floodplain.

M. Public Works Projects.

1. Transportation. Highway 1 shall remain a scenic two-lane roadway. Roadway improvements to Highway 1 and other public roadways shall not, either individually or cumulatively, distract from rural, scenic characteristics of the existing roadway.

Improvements (beyond repair and maintennace) shall be limited to minor roadway improvements as identified below:

a. Slope stabilization, drainage control and minor safety improvements such as guardrail placement, signings;

b. Expansion of roadway shoulder paving to accommodate bicycle/pedestrian traffic along the highway shoulder;

c. Creation of slow traffic and vista turnouts as a safety and convenience improvement;

d. Other minor selected roadway improvements necessary to adequately accommodate public transit consistent with the goals of this policy; providing, however, that no filling of streams or wetlands shall be permitted. Specifically, the development of new public transit service routes and associated off-loading and turn facilities is consistent with the LCP policy to utilize public transit to meet increased use of coastal recreational areas.

2. Water and Sewer Improvements. In the consideration of a coastal project permit for expansion of water and/or sewer treatment facilities for the Bolinas Public Utility District, the county shall determine that adequate water and/or sewer treatment capacity is guaranteed from the expanded facilities to serve VCR zoned property in the community.

3. Other Public Works Project Standards and Requirements. Roads, flood control projects and utility service expansions shall be limited to the minimum necessary to serve development as identified by LCP land use policies. All such public works projects shall conform to the resource and visual policies of the LCP and the requirements of this chapter.

N. Land Dvision Standards. Land divisions of small agricultural holdings designated under ARP zoning shall conform to the following standards: New land divisions shall demonstrate to the planning director that the design of the created parcels provides the maximum feasible concentration of clustering. Clustering shall be located both to provide for the retention of the maximum amount of land in agricultural use and to protect important upland feeding areas. Clustered development shall also be located in the area of least environmental sensitivity on the parcel. Open space easements or other restrictions shall be required to designate intended use and restrictions on the property being subdivided.

O. Visual Resources and Community Character.

1. All new construction in Bolinas, Stinson Beach, and Muir Beach shall be restricted to a maximum height of twenty-five feet; except that the Stinson Beach Highlands will have a maximum height of seventeen feet, and the Seadrift Subdivision will have a maximum of fifteen feet above finished floor elevation.

2. To the maximum extent feasible, new development shall be designed and sited so as not to impair or obstruct existing coastal views from Highway 1 or Panoramic Highway.

3. The height, scale and design of new structures shall be compatible with the character of the surrounding natural or built environment. Structures shall be designed to follow the natural contours of the landscape and sited so as not to obstruct significant views as seen from public viewing places.

4. Development shall be screened with appropriate landscaping; however, such landscaping shall not, when mature, interfere with public views to and along the coast. The use of native plant material is encouraged.

5. Signs shall be of a size, location and appearance so as not to detract from scenic areas or views from public roads and other viewing points and shall conform to the county's sign ordinance.

6. Distribution utility lines shall be placed underground in new developments to protect scenic resources except where the cost of undergrounding would be so high as to deny service.

7. Standards for development in RSP districts on the shoreline of Tomales Bay:

a. Existing dwellings shall be permitted to be rebuilt if damaged or destroyed by natural disaster, provided that the floor area height and bulk of the new structure shall not exceed that of the destroyed structure by more than ten percent. Any proposed improvement to an existing house which results in an increase of internal floor area of more than ten percent shall require a coastal permit in order to ensure that such improvement is sited and designed to minimize impacts on Tomales Bay.

b. New residential construction shall be limited in height to fifteen feet, as measured from natural grade on the highest side of the improvement to the highest point of the roof or any projection therefrom. Exceptions to this height limit may be permitted where the topography, vegetation, or character of existing development is such that a higher structure would not create additional interference with coastal views either to, along, or from the water.

c. New development shall meet all other LCP policies, including those on public access, natural resources and wetland protection, shoreline structures, diking/filling/dredging, public services, hazards, visual resources, and new development.

P. Recreational/Commercial/Visitor Facilities. In order to maintain the established character of the village commercial areas in Stinson Beach and Bolinas, a mixture of residential and commercial uses shall be permitted within the VCR zone. The principal permitted use of the VCR zone in the two village centers shall include commercial and residential uses; provided, however, that new residential uses shall be permitted only if they are incidental to the commercial use. Exclusive residential uses shall also be permitted as a conditional use; however, in no case shall such use be permitted on more than twenty-five percent of the lots which are vacant at the time of adoption of the ordinance codified in this chapter in each community. Replacement of any existing residential use destroyed by natural disaster shall be exempt from this provision and will be permitted.

Q. Historic Research Preservation. In the issuance of any coastal permit, the planning director or appropriate hearing body shall make findings that the proposed project is consistent with the historic resource policies of the local coastal plan and the historic study. Additionally, when considering any permit which pertains to any identified historic area or pre-1930 structure, the following criteria shall apply:

1. New Construction. New construction located within an identified historic area shall be consistent in scale, design, materials and texture with the surrounding community character.

2. Alterations and Additions. Alterations or additions to any pre-1930 structure shall retain the scale and original architectural features of the structure, especially for the front facade.

3. Demolitions. Issuance of a coastal project permit for the demolition of any pre-1930 structure may be delayed for a period not to exceed six months. During this period, the property owner or local historic group or society may attempt to find a purchaser or alternate location for the structure. This six-month period may be waived by the planning director or appropriate hearing body upon a finding that the structure is not historically significant or cannot be rehabilitated. (Ord. 2739 § 4, 1982; Ord. 2703 §§ 6, 7, 8, 9, 10, 11, 1982; Ord. 2637 § 6 (part), 1981).

22.56.140 Violations and enforcement. Any person, firm or corporation, whether as principal agent, employee or otherwise, violating any of the provisions of this chapter, shall be subject to the provisions of California Public Resources Code 30800 et seq. and these regulations adopted pursuant to those provisions. The provisions of Public Resources Code 30800 et seq. and implementing regulations shall apply over other provisions of the Marin County Codes in the implementation of this chapter within the coastal zone of Marin County so covered. (Ord. 2637 § 6 (part), 1981).

Chapter 22.57

SPECIFIC REGULATIONS FOR VARIOUS COASTAL DISTRICTS

Sections:

22.57.010 Application of specific regulations. The following specific regulations of this chapter, in addition to the general regulations cited in Chapter 22.56, shall apply to all coastal districts except as specifically exempted herein. (Ord. 2637 § 6 (part), 1981).

22.57.020 C-ARP—Coastal agricultural, residential, planned districts.

22.57.021 Purpose. This zone provides flexibility in lot size and building locations and thereby promotes the concentration of residential and

accessory uses to maintain the maximum amount of land available for agricultural use and to maintain the visual, natural resource and wildlife habitat values of the property and surrounding areas.

22.57.022. Principal Permitted Uses. The following uses are permitted in all C-ARP districts subject to an approved master plan:

1. Dairying;
2. Grazing or breeding of cattle or sheep;
3. Raising or keeping of poultry, fowl (including game birds), rabbits or goats or similar animals;
4. Fish hatcheries and rearing ponds; oyster farming; mariculture;
5. Crop, vine or tree farm, truck garden, greenhouse, horticulture;
6. Farm and ranch buildings including dwelling, stables, barns, pens, corrals, or coops; structures for killing, dressing, packing or handling products raised on the premises, but not including an abbatoir for cattle, sheep or hogs; dwellings shall be incidental to the agricultural use of the land for the residence of the owner or lessee of the land and the family of the owner or lessee, or for their employees engaged in the agricultural use of the land; agricultural use of the land means agriculture as the primary or principal use of the land as demonstrated by the applicant to the satisfaction of the planning director. The total number of dwellings shall not exceed the density permitted in the district;
7. Single-family dwellings;
8. Grazing, breeding or training of horses; horse stables, including riding academies and boarding facilities incidental to these uses;
9. The maintenance of land in its natural state for the purpose of preserving land for recreation, or for plant, animal or mineral preserves;
10. Horseback riding or hiking trails;
11. Public or private hunting of wildlife or fishing;
12. Erection, construction, alteration or maintenance of gas, electric, water, communication or flood control facilities as approved by the appropriate governmental agencies;
13. Bed and breakfast operations as defined in Section 22.02.103, for such operations which offer or provide not more than three guest rooms.

22.57.023 Conditional Uses. The following uses are permitted in all coastal agricultural districts, subject to the securing of a use permit in each case:

1. Hog ranch;
2. Aircraft landing strip;*
3. Facilities for processing or retail sale of agricultural products;
4. Commercial storage and sale of garden supply products;
5. Animal hospitals and dog kennels;
6. Mining and quarrying, and production operations and facilities related thereto;*
7. Timber harvesting in accordance with the regulations of Title 23 of this code;

8. Rifle or pistol practice range, trap or skeet field, archery range or other similar use;

9. Rodeo arena and related facilities;*

10. Institutional uses and the facilities necessary therefor, related to educational, scientific, recreational or religious purposes;*

11. Mobile homes not on permanent foundations, so long as they are used exclusively for employees of the owner who are actively and direcly engaged in the agricultural use of the land;

12. Storage and sale of building materials;*

13. Dump;*

14. Junkyard;*

15. Public and private hunting fishing club facilities;*

16. Bed and breakfast operations as defined in Section 22.02.103, which provide four but not more than five guest rooms.

*These uses shall be subject to specific development standards to be adopted prior to issuance of use permit.

22.57.024 Design Standards. The following requirements for project design, site preparation, and use shall be imposed through the master plan, development plan and/or design review process, as necessary, to implement the goals and policies of the LCP, the Marin Countywide Plan and any applicable community plan:

1. Project Design.

a. Clustering. Buildings shall be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site. Clustering or siting buildings in the least visually prominent portion or portions of the site is especially important on open grassy hillsides. In these areas, the prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography. In areas with wooded hillsides, a greater scattering of buildings may be preferable to save trees and

minimize visual impacts. In areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize disruption of existing or possible future agricultural uses.

b. Ridgelines. There shall be no construction permitted on top of, within three hundred feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be on locations that are least visible from nearby highways and developed areas.

c. Geologic Hazards. Development shall not be permitted on identified seismic or geologic hazard areas, such as slides, natural springs, identified fault zones, or bay mud, without approval from the department of public works, based on acceptable soils and geologic reports.

d. Roads, Driveways and Utilities. The development of roads, driveways and utilities shall conform to the applicable standards contained in Title 24 of this code, including but not limited to Sections 24.04.020 through 24.04.320 (Roads and Driveways), and Sections 24.04.840 through 24.04.860 (Utilities). In areas with undeveloped agricultural land, efforts shall be made to keep road and driveway construction, grading and utility extensions to a minimum. This shall be accomplished through clustering and siting development so as to minimize roadway length and maximize the amount of undivided agricultural land.

e. Fire Protection. In rural areas (areas without water systems), on-site water storage capacity may be required for each single-family residence, subject to the requirements of the Marin County fire department. In planned or cluster developments provisions should be made, where feasible, for common water storage facilities and distribution systems. Maintenance of these water storage facilities and distribution systems should be performed according to a plan approved by the Marin County fire department.

f. Landscaping. Landscaping shall minimally disturb natural areas. Fire protection, solar access, the use of indigenous species and minimal water use shall be considered in landscaping plans.

g. Building Location/Design. In addition to the above requirements, buildings to be located on existing or proposed subdivision lots shall be sited and designed according to the following principles:

A. Energy Conservation. Solar access shall be considered in the location, design, height and setbacks of all buildings. Generally, buildings should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.

B. Building Height. No part of a residential building shall exceed twenty-five feet in height above natural grade, and no accessory structure, including water tanks, shall exceed fifteen feet in height above natural grade. In residential structures, the lowest floor level shall not exceed ten feet above natural grade at any point. Where a ridge lot is too flat to allow placement of the house down from the ridge as required in subdivision 1b,

a height limit of one story or a maximum of eighteen feet, as measured from natural grade to the top of the roof, shall be imposed. These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Section 22.47.101 and environmental quality policies of the countywide plan. Farm and agricultural buildings located down from ridgetops may exceed these height limits upon design review approval.

C. Access. Driveways shall be developed in accordance with the applicable standards contained in Title 24 of this code, including but not limited to Sections 24.04.240 through 24.04.320. Consistent with the clustering policies in subdivision 1a above, efforts shall be made to keep driveway length to a minimum.

D. Materials and Colors. Fire protection, energy conservation and the use of traditional agricultural building materials and colors shall be considered in all construction.

h. Facilities. Where possible, facilities and design features required by the countywide plan shall be provided through the master plan/development plan process. These include use of reclaimed wastewater; use of materials, siting, and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; appropriate recreation facilities; bus shelters; design features to accommodate the handicapped; bicycle paths and equestrian trails linked to city-county system; and facilities for composting and recycling.

i. Agricultural and Open Space Uses. Agricultural uses shall be encouraged in ARP zones. As part of the development review process, usable agricultural land should be identified and efforts made to preserve and/or promote its use. Agricultural land, not presently in use, may be preserved as undeveloped private open space to be made available, on a lease basis, in the future, for compatible agricultural uses. The primary intent shall be to preserve open lands for agricultural use, not to provide open space/recreational land uses which will interfere or be in conflict with agricultural operations. Lands to be preserved for agriculture and/or open space use may require the creation of a homeowner's association or other organization for their maintenance. The nature and intensity of large scale agricultural uses should be described in the form of an agricultural management plan.

Management plans should consider intensity of grazing, runoff protection, chemical and fertilizer use and, in order to preserve agricultural land practices, separation from existing or proposed residential uses. In some cases, the county may require reasonable public access across those lands remaining in private ownership. Such pedestrian and/or equestrian access shall be provided where consistent with adopted county and coastal plans and where liability issues have been resolved. Public access for pedestrian and/or equestrian purposes shall only be required as a condition of plan approval.

j. Open Space Dedication and Maintenance. Nonagricultural land to be preserved as open space may be dedicated by fee title to the county of

Marin. The county of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title.

2. Site Preparation. Where appropriate, site preparation plans shall be referred to the North Marin Water District and/or Marin Municipal Water District for review and comment.

a. Grading. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land, skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography. All grading shall conform to the applicable standards contained in Chapter 22.56 and Title 24 of this code.

b. Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction.

c. Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. To reduce runoff, impervious surfaces shall be minimized. At major creek crossings, bridges should be utilized, whenever possible, in place of culverts.

d. Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of trees or rare plant communities and wildlife habitats.

22.57.025 Density. The ordinance adopting any C-ARP district shall specify the number of acres per dwelling unit, which will be allowed within the C-ARP district.

22.57.026 Submission Requirements. Applicant shall submit:

1. Requirements contained in Chapters 22.45 and 22.56 except that, all or a portion of the general submission requirements for master plan and development plan approval (Chapter 22.45) may be waived by the planning director. If these requirements are waived, a proposal shall be submitted which meets the requirements of Chatper 22.82 (Design Review). (Ord. 2884 § 4 (1, 2), 1985; Ord. 2637 § 6 (part), 1981).

22.57.030 C-APZ – Coastal agricultural production zone districts.

22.57.031 Purpose. The purpose of the agricultural production zone is to preserve lands within the zone for agricultural use. The principal use of lands in the C-APZ districts shall be agricultural. Development shall be accessory, incidental, or in support of agricultural land uses, and shall conform to the policies and standards as set forth in this chapter.

22.57.032 Principal Permitted Uses. The following uses are permitted in all C-APZ districts subject to an approved master plan:

1. Agricultural Uses. For the purposes of the coastal agricultural production zone, agricultural uses are defined as uses of land to grow and/or produce agricultural commodities for commercial purposes, including:

a. Livestock and poultry: cattle, sheep, poultry, goats, rabbits, horses unless they are the primary animals raised;

b. Livestock and poultry products: milk, wool, eggs;

c. Field, fruit, nut and vegetable crops: hay, grain, silage, pasture, fruits, nuts and vegetables;

d. Nursery products: nursery crops, cut plants.

2. One single-family dwelling per parcel. Parcel is defined as all contiguous assessor's parcels under common ownership (unless legally divided as per Title 20, Marin County Code).

3. Accessory structures or uses appurtenant and necessary to the operation of agricultural uses, other than dwelling units of any kind; but, including barns, fences, stables, corrals, coops and pens, and utility facilities.

4. Bed and breakfast operations as defined in Section 22.02.103, for such operations which offer or provide not more than three guest rooms.

22.57.033 Conditional Uses. The following uses are permitted in all coastal agricultural production zone districts, subject to the securing of a use permit in each case. When it is determined by the planning director that any of the following uses constitute a major land use change, a master plan submitted in accordance with Chapter 22.45 may be required.

1. Farmworker housing;

2. Mobile homes which are used exclusively for employees of the onwer who are actively and directly engaged in the agricultural use of the land;

3. Hog ranch;

4. Veterinary facilities;

5. Fish hatcheries and rearing ponds;

6. Stabling of more than five horses on ranches where horses are the primary or only animals raised;

7. Raising of other food and fiber producing animals not listed under subsection (1) of Section 22.57.032;

8. Planting, raising or harvesting of trees for timber, fuel or Christmas tree production;

9. Facilities for processing or retail sale of agricultural products;

10. Greenhouses;

11. Commercial storage and sale of garden supply products;

12. Water conservation dams and ponds;

13. Mineral resource production;

14. Game or nature preserve or refuge;

15. Public or private recreational activities, such as hunting, fishing and camping;

16. Bed and breakfast operations as defined in Section 22.02.103, which provide four but not more than five guest rooms;

17. Construction or alteration of gas, electric, water, communication or flood control facilities, unrelated to an agricultural use, as approved by the appropriate governmental agencies;

18. Dump.

22.57.034 Density. The ordinance adopting a C-APZ district shall specify the minimum number of acres per dwelling unit which will be required within the C-APZ district. The C-APZ district shall have a maximum density of one unit per sixty acres; actual density shall be determined through the master plan process.

22.57.035 Development Standards and Requirements. All development permits in the C-APZ district shall be subject to the following standards and requirements:

1. All development shall be clustered to retain the maximum amount of land in agricultural production or available for agricultural use. Development, including all land converted from agricultural use such as roads and residential support facilities shall be clustered on no more than five percent of the gross acreage, to the extent feasible, with the remaining acreage to be left in agricultural production and/or open space. Development shall be located close to existing roads and shall be sited to minimize impacts on scenic resources, wildlife habitat and streams, and adjacent agricultural operations.

2. Permanent conservation easements over that portion of the property not used for physical development or services shall be required to promote the long-term preservation of these lands. Only agricultural uses shall be allowed under the easements. In addition, the county shall require the execution of a covenant not to divide the parcels created under this division so that they are retained as a single unit and are not further subdivided.

3. The creation of a homeowner's or other organization and/or the submission of the agricultural management plans may be required to provide for the proper utilization of agricultural lands and their availability on a lease basis or for the maintenance of community roads or mutual water systems.

4. Design standards as set forth in Section 22.57.024.

22.57.036 Required Findings. Review and approval of development permits including a determination of density shall be subject to the following findings:

1. The development will protect and enhance continued agricultural use and contribute to agricultural viability.

2. The development is necessary because agricultural use of the property is no longer feasible. The purpose of this standard is to permit agricultural landowners who face economic hardship to demonstrate how development on a portion of their land would ease this hardship and enhance agricultural operations on the remainder of the property.

3. The land division of development will not conflict with the continuation or initiation or agriculture, on that portion of the property which is not proposed for development, on adjacent parcels, or those within one mile of the perimeter of the proposed development.

4. Adequate water supply, sewage disposal, road access and capacity and other public services are available to service the proposed development

after provision has been made for existing and continued agricultural operations. Water diversions or use for a proposed development shall not adversely impact stream habitats or significantly reduce freshwater inflows to Tomales Bay, either individually or cumulatively.

5. Appropriate public agencies are able to provide necessary services (fire protection, police protection, schools, etc.) to serve the proposed development.

6. The proposed land division and/or development will have no significant adverse impacts on environmental quality or natural habitats, including stream or riparian habitats and scenic resources. In all cases, LCP policies on streams and natural resources shall be met.

22.56.037 Transfer of Development Rights (TDR) in C-APZ Districts. Notwithstanding provisions of this and other sections regarding density, the number of units permitted on one property (the donor property) may be transferred and built on another (receiving) property (either contiguous or noncontiguous), resulting in a higher density than that which the (receiving) property is zoned for, under certain circumstances, as described in this section. This process, which allows development rights from one property to be determined and transferred to a second property, is called transfer of development rights (TDR).

1. Purpose. The purpose of TDR is to relocate potential development from areas where environmental or land use impacts could be severe to other areas where those impacts can be minimized, while still granting appropriate development rights to each property.

2. Application. The participation of a property owner in TDR shall be on a voluntary basis and shall be subject to approval by the County through the Master Plan Process. The property for which TDR is proposed must be located within a community plan, countywide plan or local coastal plan area and the adopted community plan, countywide plan or local coastal plan policy must recommend TDR as an appropriate plan implementation. Through the master plan approval process, the applicant(s) must demonstrate that it is necessary to conserve the property from which density is being transferred, and that the property which receives this additional density can accommodate it. This demonstration shall be consistent with the criteria for evaluation of TDR proposals described in applicable community plans or countywide Plan policies.

3. Submission requirements. In addition to the information required for a master plan submission under Chapter 22.45, the following additional information shall be provided where TDR is being considered:

a. Affidavits of consent from all registered property owners of all property subject to the master plan. This shall include the property being conserved and the property being developed and receiving the transferred density rights;

b. A description of the property proposed for conservation outlining how the subject property fulfills the TDR conservation criteria as set out in the appropriate community plan or countywide plan policies;

c. A calculation of the number of units available to be transferred. The calculation shall be made as follows: The area of the parcel to be conserved divided by the number of acres per dwelling unit required by the zoning minus the existing number of dwellings. Any fraction of a unit, resulting from such a determination, of 0.90 or greater will be counted as a whole unit;

d. A description of the property proposed to receive the transferred density outlining the availability of support services and infra-structure necessary for development and how the subject property fulfills the TDR development criteria as set out in the appropriate community plan;

e. A description of the proposed conservation easement or restriction, as described and required in subsection (5) of Section 22.57.035.

4. Approval Process. The approval process for a master plan involving TDR shall require the same approval process as set forth in subsection A of Section 22.45.050.

5. Conservation Easements or Restrictions. A condition of TDR between properties is that the property proposed for restricted development or conservation shall have conservation easements or restrictions recorded against it which reflect the conditions of approval of the master plan and which restrict the future development or division of the donor property in accordance with those conditions. Such conservation easements or restrictions must be recorded against the donor property prior to the recording of a parcel map or final map for the receiver property.

6. Density bonuses shall be considered if the proposed TDR meets the criteria set forth in the appropriate community plan or LCP. (Ord. 2909 § 2 (part), 1986: Ord. 2884 § 4 (3, 4), 1985; Ord. 2703 § 12, 1982).

22.57.040 C-R-A—Coastal residential, agricultural districts.

22.57.041 Purpose. The purpose of this district is to provide for residential use, combined with small scale agricultural activities, subject to specific development standards.

22.57.042 Principal Permitted Uses. The following uses are permitted in all C-R-A districts:

1. Single-family residence;

2. Small livestock farming; provided, that not to exceed one horse, or one cow, or one hog, or three sheep, or three goats, or other similar livestock may be kept for each twenty thosuand square feet of area of the lot, to a maximum of three horses, or three cows, or three hogs, or six sheep, or six goats or other similar livestock maintained on any one lot;

3. Crops, horticulture, nurseries and greenhouses;

4. Accessory buildings;

5. Home occupations; and

6. Bed and breakfast operations as defined in Section 22.02.103, for such operations which offer or provide not more than three guest rooms.

22.57.043 Conditional Uses. The following uses are permitted in all C-R-A districts, subject to securing a use permit in each case:

1. Public and private stables and riding academies;
2. Sale of agricultural products produced on the premises;
3. Public parks and playgrounds;
4. Buildings for the sale of agricultural and nursery products;
5. Schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day child-care centers for seven or more children;
6. Dog kennels;
7. Livestock farming exceeding three cows or three horses or three hogs or six sheep;
8. Bed and breakfast operations as defined in Section 22.02.103, which provide four but not more than five guest rooms.

22.57.044 Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200, "Design standards table."

22.57.045 Exceptions. Any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided further, that in lieu of the foregoing building site area regulations in any C-R-A district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall there be more than one dwelling on any one lot. (Ord. 2884 § 4 (5, 6), 1985; Ord. 2637 § 6 (part), 1981).

22.57.050 C-R-1—Coastal one-family residence district.

22.57.051 Purpose. The purpose of this district is to allow development of single-family detached units subject to specific development requirements.

22.57.052 Principal Permitted Uses. The following uses are permitted in all C-R-1 districts:

1. One-family dwelling;
2. Crops, tree and truck farming, nurseries, and greenhouses;
3. Home occupations;
4. Accessory buildings;

5. Bed and breakfast operations as defined in Section 22.02.103, for such operations which offer or provide not more than three guest rooms.

22.57.053 Conditional Uses. The following uses are permitted in all C-R-1 districts, subject to securing a use permit in each case:

1. Public parks and public playgrounds;

2. Salesrooms or other buildings for the sale of nursery or agricultural products;

3. Schools, libraries, museums, churches, retreats, noncommercial tennis courts and day child-care centers for seven or more children;

4. Bed and breakfast operations as defined in Section 22.02.103, which provide four but not more than five guest rooms.

22.57.054 Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 27.57.200, "Design standards table."

22.57.055 Exceptions. Any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided further, that in lieu of the foregoing building site area regulations in any C-R-1 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall there be more than one dwelling on any one lot. (Ord. 2884 § 4 (17, 18), 1985: Ord. 2637 § 6 (part), 1981).

22.57.060 C-R-2—Coastal two-family residence districts.

22.57.061 Purpose. The purpose of this district is to allow development of two-family dwellings subject to specific development requirements.

22.57.062 Principal Permitted Uses. The following uses are permitted in all C-R-2 districts:

1. One-family dwelling;
2. Two-family dwelling;
3. Crops, tree and truck farming, nurseries and greenhouses;
4. Home occupations;
5. Accessory buildings;
6. Bed and breakfast operations as defined in Section 22.02.103, for such operations which offer or provide not more than three guest rooms.

22.57.063 Conditional Uses. The following uses are permitted in all C-R-2 districts, subject to securing a use permit in each case:

1. Public parks and public playgrounds;

2. Salesrooms or other buildings for the sale of nursery or agricultural products;

3. Schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day child-care centers for seven or more children;

4. Bed and breakfast operations as defined in Section 22.02.103, which provide four but not more than five guest rooms.

22.57.64 Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200, "Design standards table."

22.57.65 Exceptions. A one-family dwelling may be built on any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site for one-family dwelling by the owner of such parcel of land or by his successor in interest provided that all other regulations for the district, as prescribed in this title, shall be complied with; provided further, that in lieu of the foregoing building site area regulations in any C-R-2 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. In no case, however, shall a two-family dwelling be built on any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet. (Ord. 2884 § 4 (7, 8), 1985; Ord. 2637 § 6 (part), 1981).

22.57.070 C-RMP – Coastal residential multiple planned district.

22.57.071 Purpose. The purpose of this district is to allow varied types of residential development, designed according to the policies set forth in the local coastal plan, but without the confines of specific yard requirements.

22.57.072 Principal Permitted Uses. The following uses are permitted in all C-RMP districts, subject to master plan approval:

1. One-family, two-family and multiple dwellings;

2. Crops, tree and truck farming, nurseries and greenhouses; but, not including any sales rooms or other buildings for the sale of any product;

3. Home occupations;

4. Public parks and public playgrounds;

5. Accessory buildings and accessory uses;

6. Bed and breakfast operations as defined in Section 22.02.103, for such operations which offer or provide not more than three guest rooms.

22.57.073 Conditional Uses. The following uses are permitted in all C-RMP districts, subject to securing a use permit in each case. When it is

determined by the planning director that any of the following uses constitute a major land use change, a master plan submitted in accordance with Chapter 22.45 may be required.

1. Schools, libraries, churches, museums, tennis courts and similar noncommercial recreational uses;
2. Day childcare centers for seven or more children;
3. Salesrooms or other buildings for the sale of nursery or agricultural products;
4. Horses, donkeys, mules and ponies shall be permitted subject to provisions of Chapter 22.68;
5. Bed and breakfast operations as defined in Section 22.02.103, which provide four but not more than five guest rooms.

22.57.074 Density. The ordinance adopting any C-RMP district shall specify the maximum number of dwelling units per gross acre which will be allowed within the C-RMP district.

In determining the number of dwelling units allowed on a parcel, any fraction of a unit, resulting from such determination, of 0.90 or greater will be counted as a whole unit.

The density thus computed shall in fact be the upper limit. The applicant must demonstrate how many units can be developed on the site consistent with the findings from the environmental reconnaissance or environmental impact report and/or the design requirements contained herein.

22.57.075 Design Standards. Requirements for design, site preparation and use of the project shall be imposed as necessary to implement the goals and policies of the local coastal plan, the Marin Countywide Plan and any applicable community plan, in accordance with Section 22.57.086.

22.57.076 Submission Requirements. Applications shall contain all the elements or requirements of Chapters 22.45 and 22.56. All or a portion of the general submission requirements for master plan and/or development plan review and approval (Chapter 22.45) may be waived by the planning director. If master plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review). (Ord. 2884 § 4 (9, 10), 1985: Ord. 2703 § 13, 1982).

22.57.080 C-RSP—Coastal residential single-family planned districts.

22.57.081 Purpose. The purpose of this district is to allow development of single-family detached units to be designed according to the policies set forth in the local coastal plan and without the confines of specific yard requirements, in order to allow the greatest possible compatibility with the characteristics of the site.

22.57.082 Principal Permitted Uses. The following uses are permitted in all C-RSP districts, subject to master plan approval:

1. One-family dwelling;
2. Crops, tree and truck farming, nurseries, and greenhouses;
3. Home occupations;

4. Accessory buildings;

5. Nature reserves;

6. Bed and breakfast operations as defined in Section 22.02.103, for such operations which offer or provide not more than three guest rooms.

22.57.083 Conditional Uses. The following uses are permitted in all C-RSP districts, subject to securing a use permit in each case:

1. Public parks and public playgrounds;

2. Salesrooms or other buildings for the sale of nursery and agricultural products;

3. Schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day child-care centers for seven or more children;

4. Horses, donkeys, mules, and ponies shall be permitted subject to provisions of Section 22.68.040. The grazing of livestock shall not be permitted in areas where it is likely to cause damaging soil erosion or water pollution;

5. "Bed and breakfast" operations as defined in Section 22.02.103; provided, however, that prior to the establishment of such a use which provides four but not more than five guest rooms, a use permit shall first be secured.

22.57.084 Density. The ordinance adopting a C-RSP district shall specify the maximum number of dwelling units per gross acre which will be allowed within the C-RSP district.

22.57.085 Submission Requirements. Applicant shall submit:

1. Requirements contained in Chapters 22.45 and 22.56; except that all or a portion of the general submission requirements for master plan and development plan approval (Chapter 22.45) may be waived by the planning director. If these requirements are waived a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

22.57.086 Site Preparation and Project Design. The following requirements for site preparation, design and use of the project shall be imposed through the master plan, development plan and/or design review process, as necessary, to implement the goals and policies of the LCP, the Marin Countywide Plan and any applicable community plan:

1. Site Preparation.

a. Grading. All grading shall be reviewed by the environmental protection committee or by staff members designated by the committee. Grading shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, watercourses. Where grading is required, it shall be done in such a manner as to eliminate flat planes and sharp angles of intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.

b. Roads. No new roads shall be developed where the required grade is more than fifteen percent unless convincing evidence is presented that such roads can be built without environmental damage and used without public inconvenience.

c. Erosion Control. Grading plans shall include erosion control and revegetation programs. Where erosion potential exists, silt traps or other engineering solutions may be required. The timing of grading and construction shall be controlled by the department of public works to avoid failure during construction. No grading shall be done during the rainy season, from November through March.

d. Drainage. The areas adjacent to creeks shall be kept as much as possible in their natural state. All construction shall assure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized.

e. Trees and Vegetation. In all instances, every effort shall be made to avoid removal, changes or construction which would cause the death of the trees or rare plant communities and wildlife habitats.

f. Fire Hazards. Development shall be permitted in areas of extreme wildfire hazard only where there are good access roads, adequate water supply, a reliable fire warning system, and fire protection service. Setbacks to allow for firebreaks shall be provided if necessary.

g. Geologic Hazards. Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, on

identified fault zones, or on bay mud without approval from the department of public works, based on acceptable soils and geologic reports.

h. Watershed Areas. All projects within water district watershed areas shall be referred to that district for review and comment.

2. Project Design.

a. Clustering. Generally, buildings should be clustered or sited in the most accessible, least visually prominent, and most geologically stable portion or portions of the site, consistent with the need for privacy to minimize visual and aural intrusion into each unit's indoor and outdoor living area from other living areas. Clustering is especially important on open grassy hillsides. A greater scattering of buildings may be preferable on wooded hillsides to save trees. The prominence of construction can be minimized by such devices as placing buildings so that they will be screened by wooded areas, rock outcroppings and depressions in the topography.

b. Ridgelines. There shall be no construction permitted on top or within three hundred feet horizontally, or within one hundred feet vertically of visually prominent ridgelines, whichever is more restrictive, if other suitable locations are available on the site. If structures must be placed within this restricted area because of site size or similar constraints, they shall be on locations that are least visible from nearby highways and developed areas.

c. Landscaping. Landscaping shall minimally disturb natural areas, including open areas, and additional landscaping in a natural or seminatural area shall be compatible with the native plant setting. Fire protection and minimal water use shall be considered in landscaping plans. Planting shall not block views from adjacent properties or disturb wildlife trails.

d. Utilities. In the ridge land areas designated by the countywide plan, roads shall be designed to rural standards. (Generally, not more than eighteen feet pavement width, depending on safety requirements. A minimum of sixteen feet may be permitted in certain very low use areas, as provided in the improvement standards established pursuant to this code, chapter 24.04.) In ridge land areas, street lights shall be of low level intensity, and low in profile. In all areas, power and telephone lines shall be underground where feasible.

e. Building Height. No part of a building shall exceed twenty-five feet in height above natural grade, and no accessory building shall exceed fifteen feet in height above natural grade. The lowest floor level shall not exceed ten feet above natural grade at the lowest corner. Where a ridge lot is too flat to allow placement of the house down from the ridge, a height limit of one story or a maximum of eighteen feet to the top of the roof shall be imposed. These requirements may be waived by the planning director upon presentation of evidence that a deviation from these standards will not violate the intent of Sections 22.47.020 and 22.47.030.

f. Materials and colors shall blend into the natural environment unobtrusively, to the greatest extent possible.

g. Noise impacts on residents and persons in nearby areas shall be

minimized through placement of buildings, recreation areas, roads, and landscaping.

h. Facilities. Where possible, facilities and design features called for in the countywide plan shall be provided on the site. These include units with three or more bedrooms, available to households with children; child-care facilities; use of reclaimed wastewater; use of materials; siting, and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; recreation facilities geared to age groups anticipated in the project; bus shelters; design features to accommodate the handicapped; bicycle paths linked to city-county system; and facilities for composting and recycling.

i. Open Space Dedication. Land to be preserved as open space may be dedicated by fee title to the county of Marin prior to issuance of any construction permit, or may remain in private ownership with appropriate scenic and/or open space easements in perpetuity, and the county may require reasonable public access across those lands remaining in private ownership.

j. Open Space Maintenance. The county of Marin or other designated public jurisdiction will maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Where open space lands remain in private ownership with scenic easements, these lands shall be maintained in accordance with the adopted policies of the Marin County open space district and may require the creation of a homeowners' association or other organization for the maintenance of these private open space lands where appropriate.

k. Open Space Uses. Uses in open space areas shall be in accordance with policies of the Marin County open space district. Generally, uses shall have no or minimal impact on the natural environment. Pedestrian and equestrian access shall be provided where possible and reasonable, and where liability issues have been resolved. The intent is to serve the people in adjacent communities without attracting large numbers of visitors from other areas. (Ord. 2933 § 2 (2), 1987; Ord. 2884 § 4 (11, 12), 1985; Ord. 2637 § 6 (part), 1981).

22.57.090 C-RSPS—Coastal residential, single-family planned, Seadrift Subdivision Districts.

22.57.091 Application. The following specific regulations shall apply in all C-RSPS districts in addition to the general regulations required under Sections 22.57.080 through 22.57.086 (C-RSP districts). Principal permitted uses in all C-RSPS districts shall be as allowed in Section 22.57.092.

22.57.092 Principal Permitted Uses. The following uses are permitted in all C-RSPS districts, subject to master plan approval:

1. One-family dwellings;
2. Natural reserves;
3. Home occupations without external evidence of same;
4. Accessory buildings to the above uses;
5. Bed and breakfast operations as defined in Section 22.02.103.

22.57.093 Ocean Setbacks. On those lots fronting the Pacific Ocean

and south of Seadrift Road, no development shall be located seaward of the building setback line as shown on the map of Seadrift Subdivision Number One, RM, Bk 6, pg. 92 and Seadrift Subdivision Number Two, RM, Bk 9, pg. 62, and as described in the subdivision's covenants, conditions and restrictions in effect as of the date of the ordinance codified in this chapter.

22.57.094 Height Limit. Development on all lots in Seadrift shall be limited to a maximum height as follows:

1. In Lagoon Subdivisions one and two and Seadrift Subdivision three, finished floor elevation shall not exceed thirteen feet above mean lower low water. Total height of a structure shall not exceed twenty-eight feet above mean lower low water.

2. In Seadrift Subdivisions one and two finished floor elevation shall not exceed eighteen feet above mean lower low water. Total height of structure shall not exceed thirty-three feet above mean lower low water.

22.57.095 Lot Consolidation. Contiguous lots under the same ownership shall be consolidated to achieve the minimum parcel size of this zone district. Development proposals shall be accompanied by a title report identifying adjoining ownerships as of that date. Lot consolidation shall be accomplished via recordation of a parcel map or other technique acceptable to the planning director. Development shall not proceed until such lot consolidation is accomplished.

22.57.096 Specific Master Plan Areas. The following regulations shall apply only in Area 4 and Area 5 as depicted on Map No. 1, as amended. Area 4 is further defined as lots 98 through 203 of the map of Seadrift Lagoon Subdivision No. 2, RM bk 11, pg. 51 and lots 95 through 97 of the map of Seadrift Lagoon Subdivision No. 1, RM bk 6, pg. 92.

1. Area 4: Based on the policies contained in the Unit 1 LCP, as amended, the development of the portion of Area 4 indicated herein shall occur as follows:

a. Nonbuilding sites: Lot 201 of Seadrift Lagoon Subdivision No. 2 shall be designated as a nonbuilding site;

b. Lots 167 through 175 of Seadrift Lagoon Subdivision No. 2 shall be consolidated as provided for in the Unit 1 LCP such that a maximum of seven building sites are realized;

c. Lots 95 through 97 of Seadrift Lagoon Subdivision No. 1 and lots 98 through 102 of Seadrift Lagoon Subdivision No. 2 shall be consolidated as provided for in the Unit 1 LCP such that a maximum of five lots are realized;

d. Lots 104 through 145 of Seadrift Lagoon Subdivision No. 2 shall be consolidated as provided for in the Unit 1 LCP such that a maximum of thirty-two building sites are realized;

e. Prior to the issuance of a coastal project permit for any of the lots described in (a), (b), (c) or (d) above, all of the relevant requirements of policy 36 of the Unit 1 LCP shall be complied with;

f. All of the lots listed herein shall be subject to master plan approval

pursuant to Chapter 22.45 of the Marin County Code. Any master plan approval shall provide for a mechanism whereby each of the lots shall be assessed an appropriate share of the cost of developing the proposed access over the old causeway.

2. Area 5: Proposals for development within this area shall be subject to master plan approval pursuant to Chapter 22.45. Any master plan approval shall cover the entire area and be subject to the following:

a. Development in Area 5 shall be limited to a maximum of seven new single-family detached dwellings. Development shall be clustered in the eastern portion of A.P. 195-090-27 and shall maintain a one-hundred-foot setback from the mean high tide line of the Bolinas Lagoon, or the edge of the wetland, consistent with septic guidelines and the protection of wildlife values. The location of development shall be consistent with Exhibit "A" of the "Memorandum of Understanding for the Settlement of Pending Litigation" executed by the county of Marin and Wiesenbaker/Kent Estate. The remainder of Area 5, excluding the "pier house" shall be encumbered with an open space and limited pedestrian easement in favor of the people of the state of California or other acceptable organization. The easement shall provide for open space, and educational and scientific uses of the land;

b. The development shall provide for future vehicle and pedestrian access over the general area of the old causeway as required by the Unit 1 LCP. The developers of Area 5 shall participate financially in the construction of the roadway and bridge;

c. All development in Area 5 shall be limited to one story in height, not to exceed eighteen feet above average finished grade;

d. Prior to the issuance of a coastal project permit for any portion of Area 5, all of the relevant requirements of policy 36 of the Unit 1 LCP shall be complied with;

e. All development in Area 5 shall be located as far as possible from the Bolinas Lagoon.

22.57.097 Public Access Requirements.

A. For those ocean front parcels within the Seadrift Subdivision, coastal development project approval shall be conditioned upon an offer of an access easement per the standards listed below:

1. An offer to the county of Marin or other public agency on behalf of the public of a nonexclusive easement for access to and use of the beach. This easement shall include the beach area between the ocean and a line twenty-five feet seaward of the toe of the Seadrift sand dunes; provided, however, that the easement shall not extend any closer than one hundred feet to the rear of the building setback line on each ocean front lot. In addition to the above easement, the grant shall also include provision for a floating five-foot wide lateral access easement to be located landward of any wave run-up where such run-up extends further inland than the above easement. In no case, however, shall the five-foot floating easement extend inland beyond the rear building setback line or the toe of the dunes, whichever point is the furtherest seaward.

2. Use of the easement area shall be limited to low-intensity recreational activities, such as strolling, sunbathing, birding, picnicking, fishing and general viewing. Use of easements shall only occur where liability issues have been resolved. Structures, camping, group sports, fires, private recreational vehicles, and horses shall be prohibited in the easement areas. Use of the five-foot lateral access easement as described above shall be limited to strolling and viewing purposes only.

B. Landowners possessing an interest in Seadrift Road, including the right to preclude the public from using the roads, shall record an agreement allowing the public emergency egress during periods of high water or high tides when the beach is impassable. The county shall cause signing of such emergency egress along the Seadrift Spit, at the end of Walla Vista and the north end of the spit. In applications for new development along the beach fronting the subdivision, the county will ensure emergency vertical egress from the beach to Seadrift Road at the northwest end of the beach and other locations found appropriate. (Ord. 2884 § 4 (13), 1985; Ord. 2824 § 1, 1984; Ord. 2823 § 1, 1984; Ord. 2703 § 14, 1982; Ord. 2637 § 6 (part), 1981).

22.57.100 C-CP – Coastal planned commercial district.

22.57.101 Purpose. The purpose of this district is to create and protect areas within the coastal zone for commercial and institutional uses and to central the density and development of such uses thereby assuring compatibility with the goals and policies of the local coastal plan.

22.57.102 Principal Permitted Uses. The following uses are permitted in all C-CP districts, subject to master plan approval:

1. All commercial and institutional uses as approved by an adopted master plan. In accordance with LCP policies, residential uses existing as of the date of adoption of the ordinance codified in this chapter shall be allowed to be rebuilt if destroyed by natural disaster.

22.57.103 Design Standards. Requirements for design, site preparation and use of the project shall be imposed as necessary to implement the goals and policies of the local coastal plan, the Marin Countywide Plan and any applicable community plan.

22.57.104 Submission Requirements. Applications shall contain all the elements or requirements of Chapters 22.45 and 22.56. All or a portion of the general submission requirements for master plan and/or development plan review and approval (Chapter 22.45) may be waived by the planning director. If master plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review).

22.57.105 Additional Findings. Establishment of self-service stations or conversion of existing full-service stations to self-service stations will require periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance. (Ord. 2888 § 2, 1985: Ord. 2703 § 16, 1982).

22.57.110 C-H-1 – Coastal limited roadside business districts.

22.57.111 Purpose. The purpose of this district is to allow the establishment of businesses oriented to serving the motoring public in both public and private transportation.

22.57.112 Principal Permitted Uses. The following uses are permitted in all C-H-1 districts:

1. Nonprofit museums;
2. Meeting halls;
3. Restaurants and refreshment stands with seating for thirty patrons or less;
4. Transit waiting shelters.

22.57.113 Conditional Uses. The following uses are permitted in all C-H-1 districts, subject to the securing of a use permit in each case:

1. One-family, two-family and multiple dwellings;
2. Service stations. Establishment of self-service stations or conversion of existing full-service stations to self-service stations will require a use permit subject to periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance;
3. Public parks and public playgrounds;
4. Nurseries and greenhouses, including salesrooms or other buildings for the sale of any products;
5. Home occupations, provided that there shall be no external evidence of any home occupation except a sign as permitted by Chapter 22.69;
6. Schools, libraries, museums, churches, retreats, noncommercial tennis courts, and day child-care centers for seven or more children;
7. Lodges, fraternities and sorority houses;
8. Hospitals, rest homes, sanitariums, clinics;
9. Philanthropic and charitable institutions;
10. Hotels, motels;
11. Offices.
12. Restaurants with seating for more than thirty patrons;
13. Retail stores;
14. Bed and breakfast operations as defined in Section 22.02.103.

22.57.114 Design Standards. Building site area and widths and maximum building height shall comply with the standards listed in Section 22.57.200, "Design standards table." Building setbacks and floor area ratio shall be set through the design review/use permit process.

22.57.115 Exceptions. Any parcel of land with an area of less than seven thousand five hundred square feet, and/or with an average width of less than sixty feet, which was under one ownership on September 2, 1938, which owner thereof owned or has owned no adjoining land and provided that no succeeding owner has owned adjoining land, or which parcel is shown as a lot on any subdivision map or land division or parcel map or record of survey which was recorded after approval of the map in the manner provided by law, may be used as a building site by the owner of such

parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this title, shall be complied with: provided further that in lieu of the foregoing building site area regulations in any C-H-1 district, in which there are also applied the regulations of any B district under the provisions of this title, each one-family dwelling with its accessory buildings, hereafter erected, shall be located on a building site, in one ownership, having an area not less than specified for such B district. (Ord. 2888 § 2 (part), 1985; Ord. 2884 § 4 (14), 1985; Ord. 2637 § 6 (part), 1981).

22.57.120 C-VCR—Coastal village commercial residential districts.

22.67.121 Purpose. The purposes of the district created in this chapter are as follows:

1. Maintain the established character of village commercial areas;
2. Promote village commercial self-sufficiency;
3. Foster opportunities for village commercial growth, including those land uses that serve coastal visitors;
4. Maintain a balance between resident and nonresident commercial uses;
5. Protect, without undue controls, established residential, commercial, light industrial ues;
6. Maintain community scale.

22.57.122 Principal Permitted Uses. The following are permitted in all C-VCR districts:

1. Single-family dwellings, provided the following findings are made: In the area covered by the unit I LCP, the requirements of policy number 14, recreation and visitor serving facilities, have been satisfied. In the area covered by the unit II LCP, the requirements of policy number 3, private recreational and visitor serving development, have been satisfied;
2. Stores, shops and businesses, for the following purposes: Barbershops, beauty shops, hardwares, laundries, dry cleaning, groceries, liquor, men's, women's and children's clothing and furnishings, shoe stores, professional offices, banks, off-street parking facilities, coffee shops, and restaurants that do not accommodate more than forty patrons, and/or serve alcoholic beverages;
3. Transit waiting shelters;
4. Home occupations;
5. Accessory uses and buildings including parking facilities; and
6. Bed and breakfast operations as defined in Section 22.02.103, for such operations which offer or provide not more than three guest rooms.

22.57.123 Conditional Uses. The following uses are permitted in all C-VCR districts, subject to the securing of a use permit in each case:

1. Two-family and multiple dwellings*;
2. Crop and tree farming, truck gardening, nurseries and greenhouses;
3. Public parks and playgrounds;
4. Automobile service stations. Establishment of self-service stations

or conversion of existing full-service stations to self-service stations will require a use permit subject to periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against indivudials needing refueling assistance;

5. Bars and taverns;

6. Building material sales and storage, cabinet and furniture manufacture and repair, boat manufacturing, draying or truck terminals and storage facilities, warehousing;

7. Commercial off-street parking facilities;

8. Drive-in restaurants and take-out food establishments;

9. Hotels and motels;

10. Meeting halls, theatres, and similar places of public assembly;

11. Public utility uses, including electric substations, major transmission lines, telephone exchanges, transit terminals*;

12. Restaurants accommodating more than forty patrons and/or which serve alcoholic beverages and/or provide live entertainment;

13. Sales, service, and repair of new and used vehicles, excluding junkyards and vehicle dismantlers;

14. Schools, libraries, churches, child and day care centers for thirteen or more children, museums;

15. Stores and shops for the conduct of the following uses: gift and curio shops, art galleries, handcrafts, antique sales;

16. Veterinary hospitals and pet clinics;

17. Bed and breakfast operations as defined in Section 22.02.103, which provide four but not more than five guest rooms.

*These uses shall be subject to specific development standards to be adopted prior to issuance of use permit.

22.57.124 Design Standards. Building site area and width; building setbacks, height and floor area ratio shall comply with the standards listed in Section 22.57.200, "Design standards table."

22.57.125 Performance Standards. All uses, whether permitted or authorized by use permit, shall conform to the following performance standards:

1. All uses, except outdoor dining areas, agricultural uses, parks and playgrounds, new and used car sales, shall be conducted entirely within buildings or be enclosed by solid screen fences.

2. No use shall produce or create any external evidence of interior operations such as dust, odor, noise, or vibration except for signs and advertising displays authorized by Section 22.69.030.

3. All new uses and structures shall be subject to design review, as provided by Chapter 22.82.

22.57.126 Bulk and Open Space Requirements. Bulk and open space requirements shall be individually determined through design review procedures for any proposed new developments or improvements, alterations

or additions to existing improvements; provided, however, that the minimum parcel area for any new residential parcel to be created within any VCR district shall not be less than seven thousand five hundred square feet, and the minimum density for any proposed new residential development within any VCR district shall not be less than one dwelling unit per each two thousand square feet of parcel area.

22.57.127 Off-street Parking Required. All new structures shall provide off-street parking pursuant to the provisions of Chapter 22.74. Required off-street parking may be screened and/or landscaped. The amount of area devoted to landscaping may include the open space required by Section 22.31.070. If practical difficulties are encountered in providing off-street parking on the same site upon which the use is located, or where design factors would be improved by elimination of on-site parking, alternate off-site parking facilities may be allowed by a use permit. Joint use of common parking facilities, which serve uses which do not have overlapping hours of operation, may be authorized by a use permit if the minimum amount of such off-street parking is equal to the amount required for the largest use.

22.57.128 Signs and Advertising. The provisions set forth in Chapter 22.69 shall govern all uses within VCR districts.

22.57.129 Nonconforming Uses. All uses which were lawfully established prior to the application of this district shall be conforming uses to the extent they existed at the time of application of these regulations; provided, however, that the expansion or enlargement of such preexisting uses and/or the establishment and/or construction of any new structures and uses subsequent to the application of these regulations shall conform to this chapter. (Ord. 2888 § 2 (part), 1985; Ord. 2884 § 4 (15, 16), 1985; Ord. 2797 §§ 1, 2, 1983; Ord. 2637 § 6 (part), 1981).

22.57.130 C-OA – Coastal open area districts.

22.57.131 Purpose. It is the purpose of the C-OA district to provide for open space, outdoor recreation, and other undeveloped lands, including but not limited to areas particularly suited for park and recreational purposes, including access to beaches, natural drainage channels, and areas which serve as links between major recreation and open space reservations.

22.57.132 Principal Permitted Uses. The following uses are permitted in all C-OA districts:

1. Public parks, playgrounds and recreational areas;
2. Truck farming, gardening and animal grazing;
3. Forest preserves, wildlife reserves, equestrian and hiking areas; and
4. On fifty acres or more, the conducting of a dairy operation.

22.57.133 Conditional Uses. The following uses are permitted in all C-OA districts, subject to the securing of a use permit in each case:

1. Golf courses and country clubs*;
2. The following uses, upon securing of a use permit in each case,

which use permit application shall include a site plan showing all proposed buildings, uses and improvements and which use permit if granted shall prescribe conditions as are necessary to assure the prevention of hazards to life and property, to preserve and promote agriculture enterprise, to preserve scenic beauty, to preserve historic interest, to maintain such land in a permanent open state will be satisfied*;

Public or private schools, public or civic buildings, private recreational uses, necessary residential accommodations for teachers or custodial staff, residences clearly accessory to the primary use of property for agricultural purposes, stables and riding academies, commercial or noncommercial marinas and appurtenant waterfront uses, public utility or public service uses, and such uses as are within the purposes and powers authorized the local agency by the enabling legislation establishing the agency; provided, however, that no use permit shall be required for gas, water, electrical and communications transmission and distribution facilities located below ground level.

*These uses shall be subject to specific development standards to be adopted prior to issuance of use permit.

22.57.134 Uses Prohibited. All uses of land unless set forth in Sections 22.57.132 and 22.57.133 are specifically prohibited, as are also the following uses: Commercial wood cutting or logging, removal of topsoil or excavation or filling to any extent whatsoever except as such excavation or filling is approved by the county upon the finding that same is necessary in the pursuit of a permitted use within the district.

22.57.135 Building Approval. No building shall be constructed, moved or reconstructed unless and until the location, architectural appearance and character, height and bulk of same has been approved by the county as provided in Chapter 22.82. (Ord. 2637 § 6 (part), 1981).

22.57.140 C-RMPC – Coastal residential multiple planned commercial district.

22.57.141 Purpose. The purpose of this district is to create and protect areas within the coastal zone suitable for a mixture of residential and commercial uses and to control the density and development of such uses thereby assuring compatibility with the goals and policies of the local coastal plan.

22.57.142 Principal Permitted Uses. All uses permitted in the C-RMP and C-CP districts when approved by master plan.

22.57.143 Density. The ordinance adopting a C-RMPC district may specify the maximum number of dwelling units per gross acre which will be allowed within the C-RMPC district.

22.57.144 Design Standards. Requirements for design, site preparation and use of the project shall be in accordance with the design standards for the C-RMP and the C-CP districts.

22.57.145 Submission Requirements. Applications shall contain all the elements or requirements of Chapters 22.45 and 22.56. All or a portion

of the general submission requirements for master plan and/or development plan review and approval (Chapter 22.45) may be waived by the planning director. If master plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review). (Ord. 2703 § 17, 1982).

22.57.150 C-RCR – Coastal resort and commercial recreation district.

22.57.151 Purpose. The purpose of this district is to create and protect areas within the coastal zone for resort and visitor serving facilities. Emphasis is placed on public access to recreation areas within and adjacent to proposed development.

22.57.152 Principal permitted uses. The following uses are permitted in all C-RCR districts, subject to master plan approval:

1. All uses and normal accessory uses which the planning commission finds are appropriate for a resort area or which are desirable or necessary for public service, utility service or for the servicing of the recreation industry. Approval of self-service stations or conversion of existing full-service stations to self-service stations as part of a resort area master plan will require periodic review and additional findings that the establishment of a self-service station will not adversely affect public health, safety and welfare by either diminishing the availability of minor emergency help and safety services, including minor automobile repair and public restrooms or discriminating against individuals needing refueling assistance. Residential, industrial, institutional, general commercial uses, mobilehome parks and floating home marinas are not permitted. In accordance with LCP policies, residential uses existing as of the date of adoption of this ordinance shall be allowed to be rebuilt if destroyed by natural disaster.

22.57.153 Design Standards. Requirements for design, site preparation and use of the project shall be imposed as necessary to impelment the goals and policies of the local coastal plan, the Marin Countywide Plan and any applicable community plan.

22.57.154 Submission Requirements. Applications shall contain all the elements or requirements of Chapters 22.45 and 22.56. All or a portion of the general submission requirements for master plan and/or development plan review and approval may be waived by the planning director. If master plan requirements are waived, a proposal shall be submitted which meets the requirements of Chapter 22.82 (Design Review). (Ord. 2888 § 2 (part), 1985; Ord. 2703 § 18, 1982).

22.57.200 Design standards table. The following design standards shall apply in the respective coastal districts:

Zone	Building Site Requirements		Setbacks				Floor area
District	Lot Area	Average Width	Front	Side	Rear	Height	Ratio
C-R-A	7,500 sq. ft.	60 ft.	25 ft.	6 ft.	20% lot depth[1]	25 ft.*	30%
C-H-1	7,500 sq. ft.	60 ft.	—	—	—	25 ft.*	—
C-R-1	7,500 sq. ft.	60 ft.	25 ft.	6 ft.	20% lot depth[1]	25 ft.*	30%
C-R-2	7,500 sq. ft.	60 ft.	25 ft.	6 ft.	20% lot depth[1]	25 ft.*	30%
C-VCR	7,500 sq. ft.	60 ft.	0 ft.	5 ft.[2]	15 ft.[1]	25 ft.*	—

1 Maximum rear yard setback of 25 feet.
* Height limit in Stinson Beach Highlands shall be seventeen feet.
2 Commercial uses in C-VCR districts have no side and rear setbacks required.
(Ord. 2637 § 6 (part), 1981).

22.57.201 Regulations for B districts. In any C district which is combined with any B district, the following design standard regulations, as specified for the respective B district, shall apply.

Zone	Building Site Requirements		Setbacks			
District	Lot Area	Average Width	Front	Side	Rear	Height
B-D	1,750 sq. ft.	35 ft.	10 ft.	5 ft.*	10 ft.	20 ft.
B-1	6,000 sq. ft.	50 ft.	25 ft.	5 ft.*		
B-2	10,000 sq. ft.	75 ft.	25 ft.	10 ft.		
B-3	20,000 sq. ft.	100 ft.	30 ft.	15 ft.		
B-4	1 acre	150 ft.	30 ft.	20 ft.		
B-5	2 acres	150 ft.	30 ft.	20 ft.		
B-6	3 acres	175 ft.	30 ft.	20 ft.		

*Side setback on corner lots – minimum of 10 feet.
(Ord. 2703 § 19, 1982: Ord. 2637 § 6 (part), 1981).

Chapter 22.58

A-P DISTRICT–ADMINISTRATIVE AND PROFESSIONAL DISTRICTS

Sections:

22.58.010 Application of regulations. The following regulations shall apply in all A-P districts, and shall be subject to the provisions of Chapters 22.66 through 22.74 and Chapter 22.82. (Ord. 865 (part), 1956: Ord. 264 § 11.27 (part), 1938).

22.58.020 Uses permitted. The following uses are permitted in all A-P districts:

Accounting services;

Advertising agencies;

Art galleries, museums (nonprofit);

Association, business, corporation, executive, professional and institutional offices;

Design studios (display, but no sale of merchandise permitted on premises);

Educational uses;

Engineering services and supplies;

Laboratories, medical and dental;

Laboratories, research;

Legal services;

Medical supplies (pharmaceutical products and other products in connection with prescribed treatment);

Photographic studios (no sale of equipment or supplies);

Radio broadcasting offices and studios;

Stenographic services;

Television offices and studios.

Uses which are allied to the above enumerated uses may be permitted upon the securing of a use permit therefor.

The sale or manufacture of merchandise or commodities on the premises shall not be permitted in connection with the above uses unless such sale or manufacture is specifically listed as a permitted use. (Ord. 865 (part), 1956: Ord. 264 § 11.27(a), 1938).

22.58.030 Building height limit. The building height limit in all A-P districts shall be three stories, but not to exceed thirty-six feet. (Ord. 865 (part), 1956: Ord. 264 § 11.27(b), 1938).

22.58.040 Building site area required. The building site area required shall be the same as specified for R-1 districts. (Ord. 865 (part), 1956: Ord. 264 § 11.27(c), 1938).

22.58.050 Percentage of lot coverage. The buildings, including accessory buildings, on any lot shall not cover more than forty percent of the area of the lot. (Ord. 865 (part), 1956: Ord. 264 § 11.27(d), 1938).

22.58.060 Front yard required. Each lot shall have a front yard not less than twenty-five feet in depth. (Ord. 865 (part), 1956: Ord. 264 § 11.27(e), 1938).

22.58.070 Side yard required. Each lot shall have side yards having a width of not less than six feet provided for each story in height. Above one story, an additional four feet of setback shall be provided. In no event, however, shall side yards on corner lots be less than ten feet. (Ord. 865 (part), 1956: Ord. 264 § 11.27(f), 1938).

22.58.080 Rear yard required. Each lot shall have a rear yard of a depth of not less than twenty feet. (Ord. 865 (part), 1956: Ord. 264 § 11.27(g), 1938).

Chapter 22.59

P-F PUBLIC FACILITIES DISTRICT

Sections:

22.59.010 Application of chapter. The following regulations shall apply in all P-F districts, and shall be subject to the provisions of Chapters 22.66, 22.69 and 22.74. (Ord. 2624 § 6 (part), 1981).

22.59.020 Purpose. Publicly owned land, including schools, fire houses and other government-owned facilities, provide valuable public services in protecting and increasing the public health and welfare, and, in some cases, also function as open space or recreationally used land. The purpose of this chapter is to protect these necessary social services and to describe a process whereby the most appropriate use of such lands can be determined if and when these lands are not needed for their present use. (Ord. 2624 § 6 (part), 1981).

22.59.030 Permitted uses. The following public facilities are permitted in all P-F districts:

1. Schools and colleges;
2. Fire houses;
3. Sewage and water treatment plants;
4. Community meeting halls and recreation centers;
5. Parks and playgrounds;
6. Hospitals;
7. General purpose government buildings;
8. Other uses that in the opinion of the zoning administrator are consistent with the intent of this chapter. (Ord. 2624 § 6 (part), 1981).

22.59.040 Conditional uses. The following private or nonprofit uses shall be permitted in all P-F districts, subject to the securing of a use permit pursuant to Chapter 22.88:

1. Schools occupying, in whole or in part, publicly owned school facilities;
2. Day care centers;
3. Community centers and meeting halls;
4. Commercial recreational uses, provided such use does not substantially alter existing structures or intensity of use;
5. Professional, administrative and other similar office uses, provided such use does not substantially alter existing structures or intensity of use;

6. Other uses that in the opinion of the zoning administrator are consistent with the intent of this chapter. (Ord. 2624 § 6 (part), 1981).

22.59.050 Other uses with combining districts. A PF district may be combined with any planned district contained in Chapter 22.47 of this code. When such a combined district occurs as the result of a specific zoning action on a parcel, uses may be permitted which are consistent with the planned district regulations (22.47) in addition to the permitted and conditional uses specified in Sections 22.59.030 and 22.59.040 of this chapter. Any developments or use of a parcel permitted in a planned district shall be subject to the planned district regulations as set forth in Chapters 22.45 and 22.47 unless a permit process is otherwise specified in Chapter 22.59. (Ord. 2727 § 6, 1982: Ord. 2624 § 6 (part), 1981).

Chapter 22.60

O-A DISTRICTS–OPEN AREA DISTRICTS

Sections:

22.60.010 Application of regulations. The provisions of Chapter 22.66 through 22.74 of this title shall not apply to O-A districts.

O-A districts may include lands owned by federal, state, local agencies and privately-owned lands with the consent of the owner. (Ord. 2051 § 1, 1973: Ord. 1227 (part), 1962: Ord. 264 § 11.30(a), 1938).

22.60.020 Uses permitted. The provisions of Chapter 22.88 of this title notwithstanding, no use of land shall be established in any O-A district, except as hereinafter set forth:

(1) Public uses as follows: Parks, playgrounds and recreation areas;

(2) Crop farming, truck gardening and grazing;

(3) Golf courses, country clubs, forest preserves, wildlife reserves, equestrian and hiking areas;

(4) In an O-A district a dairy may be conducted on any parcel of land of not less than fifty acres in area;

(5) The following uses, upon the securing of a use permit in each case, which use permit application shall include a site plan showing all proposed buildings, uses and improvements and which use permit if granted shall prescribe conditions as are necessary to assure the prevention of hazards to life and property, to preserve and promote agriculture enterprise, to preserve scenic beauty, to preserve historic interest, to maintain such land in a permanent open state will be satisfied:

Public or private schools, public or civic buildings, private recreational uses, necessary residential accommodations for teachers or custodial staff, residences clearly accessory to the primary use of property for agricultural purposes, stables and riding academies, commercial or noncommercial marinas and appurtenant waterfront uses, public utility or public service uses, and such uses as are within the purposes and powers authorized the local agency by the enabling legislation establishing the agency; provided, however, that no use permit shall be required for gas, water, electrical and communications transmission and distribution facilities located below ground level. (Ord. 1457 § 1, 1965: Ord. 1227 (part), 1962: Ord. 264 § 11.30(b), 1938).

22.60.030 Uses prohibited. All uses of land unless set forth in Section 22.60.020 are specifically prohibited, as are also the following uses: Commercial wood cutting or logging, removal of top soil or excavation or

filling to any extent whatsoever except as such excavation or filling is approved by the county upon the finding that same is necessary in the pursuit of a permitted use within the district. (Ord. 1227 (part), 1962: Ord. 264 § 11.30(c), 1938).

22.60.040 Building approval. No building shall be constructed, moved or reconstructed unless and until the location, architectural appearance and character, height and bulk of same has been approved by the county as provided in Chapter 22.82. (Ord. 1227 (part), 1962: Ord. 264 § 11.30(d), 1938).

Chapter 22.61

D DISTRICTS–DENSITY REGULATIONS

Sections:

22.61.010 Application of regulations. It is found that in some areas of the county it is desirable to control residential density for purposes that do not necessarily relate to size of building site. The zone for those areas may, when appropriate, be combined with a D district in order to allow alternative methods of development when used in conjunction with a subdivision.

D regulations may, when considered appropriate, be combined with any district having a minimum lot size required of at least ten thousand square feet. In such case the resulting D district shall be governed by the regulations of the district with which the D regulations are combined and by the regulations of this section; provided, however, that if any of the regulations specified in this section differ from or conflict with any of the corresponding regulations specified for the district with which the D regulations are combined, then the regulations for this section shall apply.

The provisions of this chapter shall apply only to those building sites created and shown on a subdivision map recorded in the manner prescribed by law, covering land in a D district, which map at the time of tentative and final approval thereof was in compliance with the regulations of this section. (Ord. 1441 § 2 (part), 1965).

22.61.020 Average building site area. The building site area in a D district may vary provided the minimum building site area is maintained and provided that the average building site area shall be not less than that required as a minimum building site area in the district with which the D regulations are combined.

The average building site area shall be computed by dividing the total area shown on a proposed final subdivision map, excluding street areas but including any common, open, recreation or park areas designated on such map, by the total number of building sites shown thereon. (Ord. 1441 § 3 (part), 1965).

22.61.030 Minimum building site area. In any D district the minimum building site area shall be six thousand five hundred square feet; the

minimum building site average width, fifty-five feet; the minimum front yard depth twenty feet; and minimum side yard widths, six feet. (Ord. 1441 § 3 (part); June 1, 1965).

22.61.040 Subdivision maps. Once a subdivision map has been recorded utilizing the provisions of this section then thereafter the minimum building site area for each building site shown thereon shall be the same as that designated within the lot line of each site respectively on such recorded map. (Ord. 1441 § 3 (part); June 1, 1965).

22.61.050 Cluster subdivision. If the provisions of this section are utilized by creating a "cluster" subdivision, wherein certain areas within the subdivision are designated on the map as being a common, recreation, park, open or other area acceptable to the planning commission, then such area shall be identified or encumbered in a manner suitable to the planning commission to assure that such area will in some manner be beneficial to the owners of building site shown on such map and the area will not be available for development in any manner inconsistent with the intent of this section. (Ord. 1441 § 3 (part); June 1, 1965).

Chapter 22.62

FUTURE WIDTH LINES

Sections:

22.62.010 Establishment generally.[3] Future width lines are hereby established as shown on any map establishing district boundaries and adopted as a part of this title. (Ord. 264 § 12 (part); July 18, 1938).

22.62.020 Specified future width lines. In addition to any such future width lines thus established, the following specified future width lines are hereby established, such future width lines, unless otherwise specified, being measured from the centerline of the specified road or highway on each side thereof:

(1) Redwood Highway: Ninety feet;

(2) Fifty feet from the centerline of Wilson Avenue, on the east side thereof between the north and south lines of lot two hundred seven, Novato Ranch Subdivision C; and thirty feet northerly from the south line of lot two hundred seven, Novato Ranch Subdivision C, Marin County, California;

3. For future width lines established along Merrydale Road, see map filed in board of supervisors' office.

(3) Commencing at a point which bears North 65° 09′ East 47.85 feet from the intersection of the southerly line of Paradise Drive (San Celemente County Road) and the easterly line of State Highway IV-Mrn-1-C (U. S. 101) running thence South 68° 52′ East 468.27 feet: Twenty feet southerly from said line;

(4) Seventy feet southeasterly from the centerline of State Highway IV-Mrn-56-A where the following described property is adjacent thereto: Being that certain property as described as Parcels I and II in the conveyance of Neil Martin and Betty Jean Martin to William Blackfield by deed dated March 20, 1952, and filed for record in the office of the County Recorder, county of Marin, state of California, on March 21, 1952, in Volume 735, page 20, of Official Records of the county of Marin;

(5) A future width line of, parallel to, and twenty-three feet easterly of the easterly right-of-way line of Reed Boulevard insofar as the same affects the herein described property;

(6) Along Merrydale Road on the northerly side from Willow Avenue to the Highway 101 off-ramp along Assessor's Parcel 179-104-03; on the southerly side from the westerly side of Assessor's Parcel 179-103-11 to 100 feet easterly of Assessor's Parcel 179-142-18 as shown on the map filed in the board of supervisors' office and approved by the planning commission on October 13, 1969. (Ord. 1474 § 1; November 23, 1965: prior Ord. 264 § 12 (part): subsec. (2) added by Ord. 561; June 4, 1951: subsec. (3) added by Ord. 566 and amended by Ord. 594; February 4, 1952: subsec. (4) added by Ord. 581; November 5, 1951: subsec. (5) added by Ord. 627 and amended by Ord. 673; December 3, 1953: subsec. (6) added by Ord. 629; December 22, 1952: subsec. (7) added by Ord. 660; July 28, 1953: subsec. (8) added by Ord. 982; June 10, 1958: subsec. (10) added by Ord. 1733 § 2; November 18, 1969).

Chapter 22.64

BUILDING LINES

Sections:

22.64.010 Building lines established generally. Building lines are hereby established as shown on any map establishing district boundaries and adopted as a part of this title. (Ord. 264 § 13 (part); July 18, 1938).

22.64.020 Specified building lines established. In addition to any such building lines thus established, the following specified building lines are hereby established, such building lines, unless otherwise specified, being measured from the property line on each side of the right-of-way of the

specified street or highway and being external thereto; provided, however, that if any future right-of-way line or any future width line is established for any such street or highway by the provisions of any applicable ordinance, then such measurement shall be taken from such future right-of-way line or such future width line:

1. Sir Francis Drake Boulevard from the Redwood Highway to the easterly boundary of the Kentfield Manor tract: Ninety feet from the centerline thereof on each side thereof.

2. Old Alto to Tiburon County Road, from the southeasterly line of Knoll Road, southeasterly two hundred feet; thirty-seven and five-tenths feet from the centerline thereof on the northeasterly side thereof.

3. Knoll Road, from the northeasterly line of the old Alto to Tiburon County Road, northeasterly ninety-seven and five-tenths feet; thirty-two and five-tenths feet from the centerline thereof on the southeasterly side thereof.

4. Seventy-five feet from the southwesterly right-of-way of State Highway IV-Mrn-1-A from highway station 449 + 00 to highway station 468 + 00 and seventy-five feet from the northeasterly right-of-way line of State Highway IV-Mrn-1-A from highway station 451 + 99.70 to highway station 467 + 00.

5. Forty feet from the northeasterly right-of-way line of State Highway IV-Mrn-1-A from engineer's station 364 § 89.70 to 377 § 99.70.

6. Note: (Cancelled by right-of-way acquisition).

7. Note: (Cancelled by annexation to Corte Madera).

8. Twenty-five feet southeasterly of and parallel to the southeasterly line of the county road at Santa Venetia as said southeasterly line of said county road lies between its intersection with the northeasterly line of that said parcel of land described in deed from Karl Brooks, et ux, to I. D. Johnson, et al, recorded July 11, 1941, in liber 415 of official records, at page 355; to its intersection with the southwesterly line of that certain parcel of land described in deed from Adrain Mabry McMahan, et ux, to Guy Hardesty, et ux, recorded February 24, 1944, in liber 461 of official records, at page 62.

9. Thirty feet southeasterly of and parallel to the southeasterly line of the Old County Road, leading from Manzanita to Bolinas (now state highway route #1) as said highway lies between a point 157.079 feet from its intersection with the Old County Road leading from Sausalito to Mill Valley (now state highway route #1) and a point 263.488 feet from the same intersection.

10. That a setback of one hundred sixty feet from centerline of state highway IV-Mrn-1-C, on the following described property: Commencing at the state highway monument of U.S. Highway 101, at station 340 + 00 on De Silva Island as per state board of tideland commissioners map no. 1; thence south 58° 15′ east five hundred feet to a point in tide lot no. 311; thence 31° 45′ west two hundred ninety feet to the northeasterly boundary of the Sausalito Canal; thence north 58° 15′ west four hundred fifty feet to the easterly boundary of U.S. Highway 101; thence following that boundary northeasterly two hundred ninety-three feet to the point of commencement.

11. Note: (Cancelled by right-of-way acquisition).

12. Note: (Amended by district zoning map of Waldo-Manzanita-Alto, adopted December 22, 1948).

13. One hundred and fifteen feet easterly from and parallel to the centerline of state highway IV-Mrn-1C at Alto, and running between the northerly and southerly boundary lines of lands of Daniel Alvernaz as described in liber 291 of Marin county official records at page 472.

14. Twenty feet northerly from and parallel to the northerly right-of-way line of Central Drive as said Central Drive is shown on that certain recorded map entitled "Map of Bay View Terrace Subdivision II", and running between the northerly and southerly boundary lines of lands of Daniel Alvernaz as described in liber 291 of Marin county official records at page 472.

15. Note: (Cancelled by right-of-way acquisition.)

16. Butterfly Lane, Bachman Tract, Kentfield: twenty-five feet from the westerly right-of-way line.

17. Note: (Cancelled by right-of-way acquisition).

18. On the centerline of California state highway IV-Mrn-1-C (U.S. 101) beginning at a point which bears S. 24° 51′ east 33.23 feet from engineers station B. C. 216 + 86.35 on the centerline of said highway and running thence southerly on a curve to the right whose center bears south 65° 09′ west and whose radius is two thousand seven hundred and fifty feet distant five hundred feet: One hundred fifteen feet easterly from said line.

19. A line lying ninety feet westerly from and parallel to the easterly right-of-way line of Novato Boulevard (known as Nave Drive), said easterly right-of-way line being the westerly boundary of Nave Gardens Subdivision as recorded in volume 7, page 29 of official maps of Marin county, said line commencing at the southerly right-of-way line of Center Road as shown on "Map of Subdivision A of the Novato Ranch, Marin county, California," and recorded in volume 3 at page 30 of official maps of Marin county; and running in a southerly direction four hundred seventy feet more or less to the northerly line of the parcel conveyed by J. R. Pacheco to Edwin Nichols by deed recorded in liber "G" of deeds at page 520, Marin county records.

20. Commencing at a point on the westerly right-of-way line of California state highway IV-Mrn-I-A, said point lying south 78° 19′ west from highway station A, 525 + 32.74 running thence northerly along said westerly line five hundred sixty-six feet more or less to a point lying south 89° 15′ west from highway station A, 519 + 92.88: Fifteen feet westerly from said line.

21. On Eighth Street, Novato, as shown on Map of Marin Court as recorded in book 7 of maps at page 74, from Grant Avenue northerly one hundred twenty-five feet: Twenty-five feet on each side thereof.

22. Thirty feet southwesterly of and parallel to the southwesterly line of the Old County Road, leading from Sausalito to Mill Valley (now state highway route #1) as said highway lies between a point seven hundred forty-three feet from its intersection with the southerly line of the Old County Road (now state highway route #1) leading from Manzanita to Bolinas and a point 1040.68 feet from the same intersection.

23. State highway IV-Mrn-1-C from engineer's station 304 + 00 to 337 + 00 zero feet.

24. A line lying ninety feet westerly from and parallel to the easterly right-of-way line of South Novato Boulevard as established on the Map of Nave Gardens Subdivision, said line commencing at the northwesterly line of lot one hundred one of subdivision A of the "Map of Subdivision 'A' & 'B' of the Novato Ranch" and extending southerly approximately four hundred feet to the northerly end of the line described in paragraph 19 of this section. (Ord. 264 § 13 (part): subsecs. (2) and (3) added by Ord. 274; January 2, 1940: subsec. (4) added by Ord. 335; August 13, 1945: subsec. (5) added by Ord. 388; September 23, 1946: subsec. (8) added by Ord. 411; April 28, 1947: subsec. (9) added by Ord. 412; May 19, 1947. subsec. (10)

added by Ord. 419; September 22, 1947: subsecs. (13) and (14) added by Ord. 430; December 8, 1947: subsec. (16) added by Ord. 442; March 29, 1948: subsec. (18) added by Ord. 566 and amended by Ord. 594; February 4, 1952: subsec. (19) added by Ord. 581; November 5, 1951: subsec. (20) added by Ord. 592; February 4, 1952: subsec. (21) added by Ord. 636; January 12, 1953: subsec. (22) added by Ord. 653; May 26, 1953: subsec. (23) added by Ord. 746; May 3, 1955: subsec. (24) added by Ord. 893; April 23, 1957).

Chapter 22.66

INTERPRETATIONS AND EXCEPTIONS GENERALLY

Sections:

22.66.010 Application of general provisions and exceptions. The regulations specified in this title shall be subject to the following interpretations and exceptions which follow in Chapters 22.66 through 22.74 of this title. (Ord. 264 § 14 (part); July 18, 1938).

22.66.020 Minimum requirements. In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by this title to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or any rule, regulation or permit previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises or relating to the erection, construction, establishment, moving, alteration or enlargement of any building improvement; nor is it intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, then in such case the provisions of this title shall control. (Ord. 264 § 14 (e), as amended by Ord. 463; December 8, 1948).

22.66.030 Administrative actions and permits to continue in effect. At the time of application of the district regulations in this title, to any

Chapter 22.69

SIGNS*

Sections:

22.69.101 Purpose. The purposes of this chapter include but are not limited to the following:

a. Protection of the natural beauty of Marin County and the charm of

* Prior ordinance history: Ords. 264, 1443, 1668, 1719, 2052, 2917

its communities:

(b) Protection of uses which are adequately and appropriately identified and advertised from too many and too large signs;

(c) Protection of commercial districts from visual chaos and economic detriment;

(d) Protection of the public's ability to identify uses and premises without confusion;

(e) Elimination of unnecessary distractions which may diminish driving safety;

(f) Protection of the tranquility of the community and the peace of mind of residents and visitors;

(g) Enhancement and improvement of properties and their neighborhoods by encouragement of signs which are compatible with and complementary to related buildings and uses and harmonious with their surroundings. (Ord. 2363 § 1 (part), 1978).

22.69.020 Definitions. (a) "Area of a sign" shall consist of the message, background and any frame or outline but does not include any material used exclusively for structural support. Where a sign message has no background material or where the background is an undifferentiated wall, the area shall consist of the smallest convex shape which encompasses the total message. The area of a conic, cylindrical, spheric or multifaced sign shall be its maximum projection on the vertical plan: e.g., for a two-faced sign, only one side shall be measured.

(b) "Billboard" means any sign advertising, indicating, or identifying a use, activity, or other entity not on the same premises as the sign, except as expressly permitted in this chapter.

(c) "Exempt signs" means those signs requiring neither sign review nor sign permit, as set forth in Section 22.69.040.

(d) "Front wall" means that wall of a building or structure which contains the entrance or entrances to the premises. If there are principal entrances in more than one wall, the longest of the walls in which principal entrances are located shall be the primary building face. "Front wall" includes not only the wall itself, but all doors, windows, or other openings therein and projections therefrom.

(e) "Ministerial sign permit" means that permit issued by the planning director following ministerial review of nonexempt signs, other than those requiring sign review, to assure their conformity to the regulations and criteria in Section 22.69.050 of this chapter. Signs approved by ministerial sign permit do not require public notice.

(f) "Sign" means any display, device, or thing which is intended to or may, in the judgment of the planning director, communicate an advertisement, announcement, direction, identity, or other message to, and/or attract, distract, hold, direct, or focus the attention of, persons on public property or on private property generally open to members of the public. "Sign" shall include any moving part, lighting, sound equipment,

framework, background material, structural support, or other part thereof. A display, device, or thing need not contain any lettering to be a sign, but the mere display of merchandise in a store window shall not cause that window to be considered a sign.

(g) "Sign review" means discretionary review of certain categories of signs and certain exceptions to other sign requirements under regulations and criteria of Section 22.69.040 and Section 22.69.050 of this chapter. Signs requiring sign review can be approved by the planning director of local design review board after public notice.

(h) "Use" means each business, administrative, professional, industrial, or other establishment which is separate from another establishment, both in fact and in the appearance presented to the public. (Ord. 2363 § 1 (part), 1978).

22.69.030 General regulations. Signs shall only be erected, placed, constructed, altered, maintained, or otherwise located in conformance with the regulations of this chapter.

(a) Location. Each sign shall be on the same premises as the primary activity or person identified, except as specifically provided in this chapter. Each sign shall be located on, and parallel to, the front wall of the building in which the use is conducted, except in the case of a use without a building or as permitted by sign review. All freestanding signs shall require sign review, except as specifically permitted by this chapter.

(b) Area of a Sign. No sign shall exceed the areas specified in Sections 22.69.040 and 22.69.050 for each type of sign, except as permitted by sign review.

(c) Projection. A sign mounted parallel to a front wall of a building shall not project beyond the ends of the wall to which it is attached, except by sign review. Only under sign review may a sign be permitted to project at an angle to the wall upon the findings that a sign parallel to the wall could not be effectively seen by pedestrians or slowly moving traffic on an abutting right-of-way, and that alternate sign locations on side walls are not available or equally practical.

(d) Height. Signs on buildings shall not extend to an elevation higher than the following except as may be indicated otherwise:

(1) The window sills of a floor above, except by sign review upon the findings that the sign would not impair the function of the windows nor be incompatible with the facade details;

(2) The top of the wall to which it is attached;

(3) Twenty feet above the finished grade, except by sign review in the case of a sign limited to the symbol or name of the use or building and intended for viewing primarily from the immediately surrounding public streets.

(e) Copy. Signs using changeable copy are not permitted except if approved by sign review (see Section 22.69.060(e)).

(f) Lighting. Signs using interior lighting are not permitted except if approved by sign review.

g. Repealed. (Ord. 2917, July 15, 1986).

g. Additional regulations.

1. A sign shall conform with all other applicable laws and with any regulations or conditions set forth in any applicable use permit development plan or design review approval.

2. The owner of any sign shall maintain legal clearance from communications and electrical facilities. Notwithstanding any other provisions of this chapter, no sign shall be constructed, erected, installed, maintained or repaired in any manner that conflicts with any rule, regulation or order of the California Public Utilities Commission pertaining to the construction, operation and maintenance of public utility facilities. (Ord. 2363 1 (part), 1978).

22.69.040 Exempt signs. The following signs are permitted without sign review or permit, in accordance with these specific requirements.

Signs not conforming to the limits set forth in this section relating to number, size, location, height, copy or time, by this section are subject to sign review in accordance with subsection 22.69.060.

1. Use identification.

   a. Dwelling: one name plate not exceeding one square foot may be freestanding;

   b. Home occupation: one sign not exceeding one square foot may be freestanding;

   c. Farm, plant nursery or ranch; one sign not exceeding twelve square feet may be freestanding

2. Temporary

   a. Real estate sale and lease

      (1) Dwelling or dwelling site; one sign not exceeding four square feet;

      (2) Property other than dwelling; one sign not exceeding twelve square feet;

   b. Construction: one sign identifying the proposed use and/or building and persons or firms involved during the period of construction not exceeding thirty-six square feet;

   c. Sales; temporary signs announcing sales or special features attached to or painted on the surfaces of store windows provided they do not exceed twenty-five percent of the area of the windows and provided they are removed immediately after the termination of the subject event;

(4) Political: one sign not exceeding twelve square feet located by an individual on his own or her own residence or place of business or on some part of the property; provided such sign is displayed not more than forty-five days before, or more than ten days after, the conclusion of the political campaign to which it relates;

(5) Christmas tree lot: one sign not exceeding fifty square feet; subject to sign review if freestanding;

(6) Holiday bunting, decoration and displays.

(c) Governmental.

(1) Emergency and warning signs necessary for public safety or civil defense;

(2) Traffic signs erected and maintained by an authorized public agency;

(3) Legal notices, licenses, permits and other signs required to be displayed by law;

(4) Flags and emblems of governmental jurisdictions not used for commercial advertising;

(d) Miscellaneous.

(1) Address numbers not exceeding twelve inches in height;

(2) Sign identifying a neighborhood, district or community;

(3) Symbols, pictures, patterns and illumination approved as architectural ornamentation or decoration by design review;

(4) Historical plaques erected and maintained by nonprofit organizations, memorials, building cornerstones and erection date stones;

(5) Association membership, credit card system, trading stamps given, patronage games, etc.; one sign not exceeding one square foot for each, flush on the building;

(6) Posted restaurant menu identical to those made available to diners;

(7) Poster board or bulletin board:

(8) Parking area traffic directional signs not exceeding four square feet each nor containing any advertising message;

(9) Signs located for viewing exclusively from within the premises of the use;

(10) Signs containing no product advertising with letters not exceeding six inches in height, for identification of telephones, service entrances, restrooms, litter receptacles and other similar signs as may be determined by the planning director;

(11) Signs indicating emplacement of public utility facilities. (Ord. 2363 § 1 (part), 1978).

22.69.050 Signs requiring ministerial sign permits. The following signs are allowed upon the issuance of a sign permit by the planning director; signs not conforming to the limits set forth in this section relating to number, size, location, height, copy or time, or otherwise requiring sign review by this section are subject to sign review in accordance with Section 22.69.060:

(a) Use Identification.

(1) Apartment building one sign not exceeding six square feet, may be freestanding

(2) Cemetery, country club, dog kennel, golf course, riding academy, stable, tennis court, and other similar uses: one sign not exceeding twelve square feet, may be freestanding;

(3) Institutions of an educational, religious, charitable or civic nature: hospital, rest home or sanitarium; and other similar uses: one sign not exceeding twenty-four square feet, may be freestanding;

(4) Service station: all signs subject to sign review, three signs with an aggregate area not exceeding one hundred square feet including one which may be freestanding provided its area does not exceed fifty square feet and displays only the name and/or emblem; one price sign not exceeding twelve square feet in size, which may be freestanding;

(5) Shopping center or other premises having six or more independently operated uses; signs in the aggregate not to exceed one-half square foot for each front foot of the premises, subject to sign review;

(6) Business and industry other than those specified above:

(A) Ground floor use: a maximum of two signs on the front wall not exceeding in the aggregate one square foot for each lineal foot of the wall to a maximum of fifty square feet; double frontage exception; for a use extending from one street through the building to another street parallel to the first, each of the two walls facing a street may be considered as a separate front wall;

(B) Second floor use different from ground floor use: one sign on the wall not exceeding twelve square feet;

(C) Uses not conducted in building: one sign not exceeding one-half square foot for each front foot of the land on which the use is located, to a maximum of fifty square feet;

(b) Temporary. One subdivision sign on the premises not exceeding thirty-six square feet for a period not exceeding two years unless renewed; one subdivision sign not exceeding four square feet for a period not exceeding two years, unless renewed, located at the nearest arterial intersection and giving only directions to a subdivision not abutting an arterial;

(c) Miscellaneous. Sign identifying service and religious organizations when combined in a single sign at a community entrance; subject to sign review. (Ord. 2363 § 1 (part), 1978).

22.69.060 **Discretionary sign review.** Signs requiring sign review under Sections 22.69.040 and 22.69.050 and exceptions to other requirements of this chapter are allowed with the approval of a sign review application by the planning director or design review board, in accordance with these specific standards. In all cases the sign review approval shall specify findings consistent with this chapter upon which the exceptional sign is approved.

(a) Oversize Signs.

(1) Under sign review the planning director or design review board may allow additional area in excess of that allowed by Sections 22.69.040 and 22.69.050 for any of the following reasons:

(A) To allow a sign to be in proper scale with its building or use;

(B) To allow a sign compatible with others in the vicinity;

(C) To overcome a disadvantage because of an exceptional setback between the street and the sign;

(D) To achieve an effect which is essentially architectural, sculptural or graphic art, through use of expanded area such as in murals or "supergraphics."

(2) In determining the total area to be allowed, the planning director or design review board shall use one of the following as a guide, as maximum sizes:

(A) One square foot for each linear foot of the front wall;

(B) One square foot for each one hundred square feet of gross floor area;

(C) One-half square foot for each front foot of the premises;

(D) For a freestanding sign, a maximum of seventy-five square feet, based on building and lot frontage, except for the following freeway oriented uses:

(i) A restaurant or lodging establishment located, designed and operated to serve freeway through traffic one hundred square feet;

(ii) A shopping center having six or more independently operated uses and abutting a freeway or freeway frontage road: one hundred square feet;

(iii) Service stations operating to serve freeway through traffic one hundred square feet.

(b) Alternative Locations Including Freestanding Signs. The allowed sign area may be transferred from the front wall to another wall or a freestanding sign location upon the finding that such alternate location is necessary to overcome a disadvantage caused by an unfavorable orientation of the front wall to the street or by an exceptional setback. In such cases the plans shall clearly indicate that the alternate location would be more practical, effective and complementary to the design of the building. Freestanding signs shall be limited to the name of the use or premises, and shall be designed and located to be viewed primarily from the immediately surrounding public streets.

(c) Additional Height. Under sign review the planning director or design review board may allow additional height for any of the reasons set forth in subsection (a)(1) above. In determining the total height to be allowed, the planning director or design review board shall use the following guide:

(1) For freeway oriented uses in subsection (a)(1) above, elevations up to twenty feet above the finished grade;

(2) For other uses, elevations up to fifteen feet above the level of the nearest street.

(d) Additional Number. Where sign review is required to allow a

number of signs higher than otherwise allowed in this chapter, any sign under consideration shall not be approved unless all the signs can be reasonably compatible in order to prevent a cluttered, chaotic or confusing appearance.

(e) Changeable Copy. Signs using changeable copy may be approved by sign review for a theater, auditorium, meeting hall, church, commercial multi-use premises or other similar use having changing programs or events, including nonflashing electronic readerboard signs, with the following restrictions:

(1) For a noncommercial use, up to fifty percent but not exceeding fifty square feet of the allowed sign area may be used for changeable copy.

(2) For a multiple commercial use, over fifty percent but not exceeding one hundred square feet of the allowed sign area may be used for changeable copy.

(f) Sign Review Criteria. In considering any sign review, the planning director or design review board shall grant approval according to the following applicable criteria in addition to any other criteria specified above:

(1) The purpose of this chapter stated in Section 22.69.010;

(2) The standards and criteria set forth in Section 22.82.040 (design review criteria) to the extent they are applicable to signs;

(3) Each sign shall be of a shape, material, style, letter type and color appropriate for the use, enhancing to the premises and harmonious with the neighborhood, and in keeping with the planning department's published design standards for sign review. (Ord. 2363 § 1 (part), 1978).

22.69.070 **Prohibited signs.** The following signs are prohibited:

(a) Prohibited Types of Signs.

(1) Private use sign located on public land or in a public right-of-way;

(2) Sign cut, burnt or otherwise marked on a cliff, hillside or tree;

(3) Sign in storage or in the process of assemblage or repair, which sign is located outside on premises other than that advertised in the sign and which sign is visible from a public right-of-way;

(4) Billboards.

(b) Prohibited Types of Illumination and Sound. No electrical sign shall flash, blink or emit a varying intensity of light or color which would cause glare, momentary blindness or other annoyance, disability or discomfort to persons on surrounding properties or passing by.

(c) Prohibited Types of Material and Form.

(1) Sign with reflective material;

(2) Banners, pennants, streamers except in conjunction with a fair, carnival, circus, athletic event, or during the first thirty days of occupancy of a new building or operation of a new business;

(3) Sign, other than a clock or meteorological device, having moving parts or parts so devised that the sign appears to move or to be animated;

(4) Portable sign including "A" frame sign, or a sign on a vehicle, float, boat, balloon or other movable object designed primarily for the purpose of advertising;

(5) Sign in the form or shape of a directional arrow, or otherwise displaying a directional arrow, except such a sign as may be approved by sign review or as may be required for safety and convenience and for control of vehicular and pedestrian traffic within the premises of the subject use. (Ord. 2363 § 1 (part), 1978).

22.69.080 Procedures. (a) Application for Sign Permit or Sign Review:

(1) Each person or entity desiring to erect or maintain a sign which is subject to ministerial sign permit or discretionary review shall make written application together with appropriate fees to the planning director on an application form provided by the planning director. Such application shall include the following:

(A) The plans of the sign drawn to scale, showing the proposed location of the sign;

(B) A complete color scheme for the sign, including accurate color samples;

(C) Sufficient other details of the proposed sign to show that it complies with the provisions of this chapter, or to indicate those respects in which it does not comply and for which an exception is sought;

(D) Such other information to be submittted in such reasonable number of copies as is required by the planning director or design review board.

(2) All applications shall be accompanied by the written consent of the record owner of the property upon which the sign is proposed to be erected or by other evidence that the applicant is entitled to erect and maintain the sign. Where several signs are proposed for the same use, all such signs may be included on a single application.

(3) No sign requiring a sign permit or sign review shall be erected or installed until an application for ministerial sign permit or discretionary sign review is approved, unless written approval for such work is given by the planning director.

(b) Filing Date. The filing date of an application for a sign permit or sign review shall be the date on which the office of the planning department receives the last submission, plan or other material required as a part of that application, unless the planning director agrees in writing to an earlier date.

(c) Action on Application.

(1) Action by Planning Director. The planning director shall act on an application within five working days of the filing date of the application in the case of a ministerial sign permit, and within fifteen working days in the case of a discretionary sign review, unless a longer period is agreed to by the applicant.

(2) Action by Design Review Boards. All sign review applications for uses within the jurisdiction of any design review board created pursuant to Chapter 22.83* of the Marin County Code shall be acted on by the board. The action shall be not later than the second regular meeting date after the filing date of the application unless a later date is agreed to by the applicant,

*Editor's Note: Chapter 22.83 was repealed by Ord. 2361.

but in no event shall the design review board act sooner than the first regular meeting following the date of mailing notices.

(d) Approvals – Conditions - Guarantees.

(1) An application for a sign permit shall be approved by the planning director or design review board if the application, plans, other submissions and any necessary inspection indicate that the proposed sign or signs comply with the regulations of this chapter.

(2) An application for sign review may be approved with or without modifications, conditionally approved or disapproved.

(3) Guarantees, sureties or other evidence of compliance may be required in connection with, or as a condition of, a sign review permit.

(4) An approved application, and all other related and approved plans, drawings and other supporting materials constituting a part of the approved application, shall be so endorsed by the planning director or design review board.

(e) Noncompliance. Failure to comply, in any respect, with an approved sign permit or sign review application shall constitute grounds for suspension of the permit, in which case all the work involved in the noncompliance shall be stopped until the matter is resolved.

(f) Expiration and Extension of Sign Permit or Sign Review Approval.

(1) Approval of a sign permit or sign review application shall expire one year from its effective date unless the sign has been erected or a different expiration date is stipulated at the time of approval. Prior to the expiration of a sign permit or sign review approval, the applicant may apply to the planning director or design review board for an extension of one year from the date of expiration. The planning director or design review board may make minor modifications or may deny further extensions of the approved sign at the time of extension if it is found that there has been a substantial change in circumstances.

(2) The expiration date of the sign permit or sign review approval shall be automatically extended to concur with the expiration date of building permits or other permits relating to the installation of the sign. (Ord. 2363 § 1 (part), 1978).

22.69.090 Nonconforming signs. Any sign which was legal prior to September 1, 1978, but which does not conform to the provisions of this chapter to the extent specified below shall be removed or modified to conform within the amortization period contained herein, unless approved by sign review during such period:

(a) Nonconforming Signs Subject to Removal or Modification.

(1) Sign area for an individual use:

(A) A freestanding sign for

(i) A freeway oriented service station exceeding one hundred square feet;

(ii) A freeway oriented restaurant or lodging establishment exceeding one hundred square feet;

(iii)A freeway oriented shopping center exceeding one hundred square feet;
(iv)Other use exceeding seventy-five square feet;

(B) Aggregate of signs exceeding total of two hundred fifty square feet;

2) Location: any sign located on a roof;

3) Projection: any sign projecting at an angle from the wall;

4) Height: any freestanding sign higher than thirty feet.

b. Amortization period. A nonconforming sign shall be removed or made to conform within five years from the date of notice. Exceptions to amortization period:

1) A sign with a terminal date specified by a use permit issued prior to September 1, 1978, shall be amortized accordingly in lieu of the above amortization period.

2) The owner of a nonconforming sign may make application to the planning commission for an extension of the amortization period. The planning commission may grant an extension not exceeding five years upon the finding and determination of unique or unusual circumstances relative to such signs.

c. Notice of Nonconforming Signs. The amortization period for a nonconforming sign shall commence on the date upon which the planning director gives written notice to the owner of the property on which the sign is located and any other persons whom he determines, after a reasonable investigation,to have a beneficial interest in the sign. Upon expiration of the amortization period, the planning director shall give final notice of nonconformance to the owner of the land and such other persons as he previously determined to have a beneficial interest in the sign, or their successors. If the sign is not removed or modified to conform with applicable requirements within sixty days thereafter, it shall be deemed a public nuisance and may thereafter be removed by the county in accordance with nuisance abatement procedure. (Ord. 2363 1 (part), 1978).

22.69.100 Penalties for violations. Any person, firm or corporation whether as principal, agent, employee or otherwise, violating any of the provisions of this title shall be guilty of any infraction and upon conviction thereof shall be punished by (a) a fine not exceeding fifty dollars for a first violation; (b) a fine not exceeding one hundred dollars for a second violation of the same ordinance within one year; (c) a fine not exceeding two hundred fifty dollars for each additional violation of the same ordinance within one year. (Ord. 2917, July 15, 1986)

22.69.105 Sign Removal.

1. If any sign is erected, constructed or maintained contrary to the provisions of this chapter, the Zoning Administrator may set a time and place for hearing and issue an order to show cause why the sign should not be removed from the real property.

2. The Planning Department shall post a notice of public hearing on the property upon which the violation exists and shall mail a notice of hearing to the property owner, indicated on the last equalized assessment roll of the County, at least ten (10) days prior to hearing.

3. If the Zoning Administrator determines that the sign violates the provisions of this chapter, he shall order the property owner to remove the sign within ten (10) days of the hearing. The Zoning Administrator shall mail to the property owner and post the site with the order of removal. If the sign is not removed within the ten day period, the Planning Department or its designated agent may remove the sign and store it. The owner of the sign must claim the sign within a six (6) month period or the Planning Department may dispose of the sign in a manner deemed appropriate.

4. If the sign is removed by the County the cost of the abatement shall be assessed as provided for in Marin County Code, Section 1.05.090. (Ord. 2917, July 15, 1986)

22.69.106 Sign removal appeal. Any person dissatisfied with the determination or action of the Zoning Administrator may appeal the decision to the Board of Supervisors. The Zoning Administrator's decision shall be stayed pending the outcome of the appeal. The appeal shall be filed with the Planning Department within ten (10) days of the decision. The petition shall state the basis of appeal and shall be accompanied by the filing fee as specified in Section 22.92.020. The Board of Supervisors shall make a determination on an appeal no later than the fourth regular meeting following the date on which the appeal was filed in its office. Failure of the Board of Supervisors to act within the time specified shall sustain the action, or the determination being appealed. Notice of the hearing shall be given to the property owner within ten (10) days of the hearing. (Ord. 2917, July 15, 1986)

22.69.110 Interpretation - Appeal. The planning director shall decide any question involving the interpretation of any provision of this chapter. Any persons dissatisifed with or aggrieved by any decision or action of the planning director or design review board hereunder may appeal such decision or action in accordance with the provisions of Chapter 22.89 of this code. (Ord. 2363 1, (part), 1978).

22.69.115 Removal of dangerous signs.

1. Notwithstanding any other provisions of this chapter, the planning director or any authorized employee may, without notice, remove:

   a. A sign which is physical danger to the public health and safety;

   b. A sign which is located within public lands or the public right of way; and

   c. A sign which obstructs traffic signals or otherwise constitutes a hazard to roadside traffic. (Ord. 2917, July 15, 1986).

Chapter 22.70

HEIGHT REGULATIONS

Sections:

22.70.010 Public buildings excepted from height limitations under certain conditions. In any district, (other than an S-1 district or one combined with an S-1 district) where the height limitation is less than seventy-five feet, public and semipublic buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding seventy-five feet; provided that the front, rear, and side yards shall be increased one foot for each one foot by which such building exceeds the height limit hereinbefore established for such district. (Ord. 798 (part), 1956: Ord. 264 § 14(b)(1), 1938).

22.70.020 Height exception for one family dwellings in R-1 districts. One family dwellings in R-1 districts may be increased in height not to exceed ten feet and to a total of not exceeding three stories when two side yards of widths of not less than fifteen feet each are provided. (Ord. 264 § 14(b)(2), 1938).

22.70.030 Effect of variance or use permit on height limitations. Upon the securing of a variance, a main building may be erected to a height exceeding that specified in the zoning ordinance for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit specified for such districts. Upon the securing of a use permit, a detached accessory building may be erected to a height exceeding that specified in the zoning ordinance for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit specified for such districts. (Ord. 3108 § 2(part), 1992: Ord. 264 § 14(b)(3), 1938).

22.70.040 Height exception for towers, spires, water tanks, etc. Subject to any other provisions of law, towers, gables, spires, penthouses, scenery lofts, cupolas, water tanks, similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located; provided, that no such exceptions shall cover at any level more than fifteen percent in area of the lot nor have an area at the base greater than sixteen hundred square feet; provided, further, that no tower, gable, spire, or similar structure shall be used for sleeping or eating quarters of for any commercial purpose other than such as may be incidental to the permitted uses of the main building; and provided, further, that no building or structure in any district except an A-1, A-2 or M-2 district shall ever exceed a maximum height of one hundred fifty feet. Except that the height limits of this title shall not apply to chimneys, church spires, flag poles, monuments, and radio and utility towers in other than S districts. (Ord. 798 (part), 1956: Ord. 264 § 14(b)(4), 1938).

22.70.045 Wind energy conversion systems. Wind energy conversion systems may be constructed to a greater height than the limit established for the district in which the structure is located, provided that they conform to the requirements of Chapters 22.71 and 22.88 of this code. (Ord. 2794 § 4, 1983).

22.70.050 Effect of sloping lot on height limitations. Where the average slope of a lot is greater than one foot rise or fall in seven feet of distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building; provided, that the height of the building shall not be increased above the limit specified for said district. (Ord. 264 § 14(b)(5), 1938).

22.70.060 Height limitations for detached accessory buildings. A detached accessory building may not be over one story in height unless said accessory building is located at least forty feet from any property line, in which case the accessory building may be erected to a height specified in this chapter for a main building in the respective district. In the case where a garage or carport is located to within three feet of the front or side lines of the lot pursuant to Section 22.72.080, the height for such garage or carport shall be measured from the finish grade of the parking area. (Ord. 2560 § 5, 1980: Ord. 1283, 1963: Ord. 264 § 14(b)(6), 1938).

22.70.070 Waiver of height limitations for structures related to the drought emergency. During any period of drought emergency declared by the board of supervisors, the planning director may waive requirements of this chapter applying to water tanks and related structures, including provisions for public notices and public hearings; provided, that the director finds:

(a) The proposed structure is necessary in order to provide water during emergency circumstances.

(b) The waiver of zoning requirements is necessary to meet the intent and purpose of the structure effectively.

The planning director may include appropriate conditions in the waiver of requirements, including, but not limited to height, placement, design, color, materials, landscaping, and time limit for removing structures. (Ord. 2268 § 1, 1977).

Chapter 22.71

WIND ENERGY CONVERSION SYSTEMS

Sections:

22.71.010 Definitions. The definitions for wind energy conversion systems (WECS), noncommercial WECS, commercial WECS, rotor, total height, tower and site systems are established in Section 22.02.820. (Ord. 2794 § 6 (part), 1983).

22.71.020 Permit required. All wind energy conversion systems shall require a use permit which shall be considered in accordance with the provisions of Chapter 22.88 of this title subject to the standards and provisions further described in this chapter.

(1) Noncommercial WECS shall be permitted in all zones subject to the conditions of a use permit and the requirements of this chapter.

(2) Commercial WECS shall be permitted only in A, ARP, C-ARP and C-APZ zones. Commercial WECS shall be subject to the conditions of a use permit and the requirements of this chapter. (Ord. 2794 § 6 (part), 1983).

22.71.030 Public notification. Notice of the use permit application shall be given by causing a notice thereof to be mailed to all persons whose names and addresses are shown on the last equalized assessment roll of the county as owners of real property within a distance of one thousand feet of the property which is the subject of the proposed use permit.

Notice of a use permit application for any WECS within one mile of federal parks' property shall be provided to the superintendent of the appropriate park. The same notice to park officials shall be provided for any WECS exceeding one hundred fifty feet in total height and within five miles of any federal park land. (Ord. 2794 § 6 (part), 1983).

22.71.040 Height. The minimum height of the lowest postion of a WECS blade shall be thirty feet above the ground at the base of the tower. (Ord. 2794 § 6 (part), 1983).

22.71.050 Setbacks. In all zones, WECS must be set back the total height of the WECS from the residence and any other on-site habitable structure.

(1) Noncommercial WECS.

(a) Agricultural Zones. Noncommercial WECS shall be permitted on agricultural lands with a minimum parcel size of five acres. The minimum setback for WECS shall be 1.25 times the total height of the WECS from any public highway, road or lot line when all of the following conditions exist:

1. The nearest adjacent parcel to the WECS is a minimum size of five acres; and

2. There is no residential dwelling on the adjacent parcels within a distance of five times the total height of the WECS.

Noncommercial WECS may be permitted at a distance of less than 1.25 times the total height from the property line when consistent with the conditions of paragraphs 1 and 2 of this subdivision (a), and when the location of the WECS would enhance aesthetic, noise or safety considerations. In addition, the WECS owner must have written permission from the immediately adjacent property owner.

(b) All Other Zones. WECS shall be set back three times the total height of the WECS from any public highway, road or lot line. The applicant may be exempted from this setback requirement if it can be clearly demonstrated that the WECS will not be detrimental to the health, safety and general welfare of persons in the immediate area nor be detrimental to property or improvements in the neighborhood.

(2) Commercial WECS. Commercial WECS shall be permitted only on agriculturally zoned lands with a minimum size of twenty acres. The minimum setback for commercial WECS shall be 1.25 times the total height of the WECS from any public highway, road or lot line when all of the following conditions exist:

(a) The nearest adjacent parcel to the WECS is a minimum size of twenty acres; and

(b) There is no residential dwelling on the nearest adjacent parcel within a distance of five times the total height of the WECS.

Commercial WECS may be permitted at a distance of less than 1.25 times the total height from the property line when consistent with conditions (a) and (b) above and when the location of the WECS would enhance aesthetic, noise or safety considerations. In addition, the WECS owner must have written permission from the immediately adjacent property owner. (Ord. 2794 § 6 (part), 1983).

22.71.060 Design standards. (1) In addition to any conditions which may be required as part of the use permit approval, all WECS must comply with the following design standards:

(a) Where wind characteristics permit, WECS shall be set back from the tops of visually prominent ridgelines to minimize the visual contrast from any public access.

(b) A specific finding shall be made for commercial WECS that the operation does not significantly impair a scenic vista or scenic corridor.

(2) WECS shall be designed and placed in such a manner to minimize adverse visual impacts from neighboring residential areas to the greatest extent feasible.

(3) Brand names or advertising associated with any WECS installation shall not be visible from any public access.

(4) Colors and surface treatment of the WECS and supporting structures shall minimize visual disruption.

(5) WECS shall be equipped with air traffic warning lights and shall have prominent markings on the rotor blade tips of an international orange color where:

(a) The total height of the WECS exceeds one hundred seventy-five feet; or where

(b) Any WECS exceeding one hundred twenty-five feet in total height is placed at an elevation over two hundred feet.

(6) Where feasible, commercial WECS shall be located in a manner which minimizes their visibility from any existing federal wilderness area. (Ord. 2794 § 6 (part), 1983).

22.71.070 Noise. The noise level of the WECS shall not exceed fifty-five dbA at the property line in residential zones or sixty dbA at the property line of all other zones. (Ord. 2794 § 6 (part), 1983).

22.71.080 Wind measurement. A wind study using an anemometer shall have been performed for the five-month prime wind period of May to September at the proposed site prior to the installation of a WECS.

Any certified study within a one-half mile distance of the proposed WECS installation shall meet the requirements of this chapter. (Ord. 2794 § 6 (part), 1983).

Chapter 22.72

YARD REGULATIONS*

Sections:

22.72.010 Purpose. This chapter establishes standards for the use and minimum size of yards. The purpose of these standards is to provide for open areas around structures for: visibility and traffic safety; access to and around buildings; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation. (Ord. 2642 § 1 (part), 1981).

22.72.015 Exemptions to yard requirements. The minimum yard requirements of this chapter apply to all uses except the following:

1. Fences or walls six feet or less in height above the finish grade of the site; except on corner lots as restricted in Chapter 13.18 of this code;

2. Decks, terraces, steps, earthworks, hot tubs, swimming pools, free-standing solar devices and other site design elements which are placed directly upon the finish grade and do not exceed a height of eighteen inches above the surrounding finish grade at any point.

3. Retaining walls less than four feet in height above the surrounding finish grade at any point. (Ord. 2727 § 3, 1982; Ord. 2642 § 1 (part), 1981).

22.72.020 Measuring front yards. The front yard shall be measured at right angles from the nearest point on the front property line of the lot to the nearest point of the wall of the building, except as follows:

1. For a lot with an access easement line or street right-of-way line extending into or through the front yard, the measurement shall be taken from the nearest point of the wall of the building to such easement line or right-of-way line.

* Prior ordinance history: Ords. 264, 463, 1283, 1493, 2268, and 2597.

2. For a lot with a fee-ownership access strip extending from a public street or right-of-way to the building area of the lot (flag lot), the measurement shall be taken from the nearest point of the wall of the building to the point where the access strip meets the bulk of the lot; thereby establishing a building line parallel to the lot line nearest to the public street or right-of-way.

3. For a lot situated at the intersection of two streets (corner lot), the measurement shall be taken from the nearest point of the building to the nearest point of the property line bounding the street to which the property is addressed and the street from which access to the property is taken. (Ord. 2642 § 1 (part), 1981).

22.72.025 Measuring side yards. The side yard shall be measured at right angles from the nearest point on the side property line of the lot to the nearest line of the building; thereby establishing a setback line parallel to the side property line, which extends between the front and rear yards, except as follows:

1. The side yard on the street side of a corner lot shall be measured from the nearest point of the side property line bounding the street; provided, however, that if an access easement or street right-of-way line extends into or through a side yard, the measurement shall be taken from the nearest point of such easement or right-of-way line. (Ord. 2642 § 1 (part), 1981).

22.72.030 Measuring rear yards. The rear yard shall be measured at right angles from the nearest point on the rear property line of the lot to the nearest line of the building; thereby establishing a setback line parallel to the rear property line, which extends between the side yards, except as follows:

1. The rear yard on the street side of a double frontage lot shall be measured from the nearest point of the rear property line bounding the street; provided, however, that if an access easement or street right-of-way line extends into or through a rear yard, the measurement shall be taken from the nearest point of such easement or right-of-way line. (Ord. 2642 § 1 (part), 1981).

22.72.035 Permitted extension into yards. The architectural features enumerated herein may extend beyond the wall of the building and into front, side and rear yards, as follows:

1. Chimneys. A chimney may extend thirty inches into a required yard, except that no chimney may be closer than three feet to a property line.

2. Decks. An attached deck or uncovered landing place, exceeding eighteen inches in height above the surrounding finish grade, may extend into required yards as follows (decks less than eighteen inches above finish grade are exempt under Section 22.72.015):

a. Front Yard. A deck may extend up to six feet into a required front yard.

b. Side Yard. A deck may extend up to three feet into a required side yard, except that no deck may be closer than three feet to a side property line.

c. Rear Yard. A deck may extend up to six feet into a required rear yard.

3. Cornices, Eaves and Roof Overhangs. Cantilevered architectural features including bay windows, balconies, cornices, eaves and solar devices may extend up to thirty inches into a required yard.

4. Porches. A covered, unenclosed porch, located at the same level as the entrance floor of the building may extend into required yards as follows:

a. Front Yard. A porch may extend up to six feet into a required front yard.

b. Side Yard. A porch may extend up to three feet into a required side yard, provided that no porch may be closer than three feet to a side property line.

5. Stairways. Stairways that are not roofed or enclosed, above or below the steps, may extend into required yards as follows:

a. Front Yard. A stairway may extend up to six feet into a required front yard.

b. Side Yard. A stairway may extend up to three feet into a required side yard, provided that no stairway may be closer than three feet to a side property line.

c. Rear Yard. A stairway may extend up to six feet into a required rear yard. (Ord. 2642 § 1 (part), 1981).

22.72.040 Use restrictions for front yards in R-1 districts. On any lot in any R-1 district, no permanent storage of junk materials (as defined in Section 22.02.420, "junk yards") shall be permitted in the front yard (as defined in Section 22.02.730). This restriction includes the storage of operable or inoperable vehicles in areas other than improved parking areas. (Ord. 2642 § 1 (part), 1981).

22.72.045 Attached accessory buildings. An attached accessory building shall be structurally joined to a main building. Attached accessory buildings shall comply in all respects with the requirements of this title applicable to the main building, including setbacks, heights, and floor area ratio. (Ord. 2642 § 1 (part), 1981).

22.72.050 Detached accessory buildings. Detached accessory buildings shall not be closer than six feet to a main building or any other accessory building. Detached accessory buildings shall be subject to the same yard requirements of this title applicable to the main building in the respective district, except as follows:

1. The rear yard setback for a detached accessory structure shall be equal to the required side yard in the respective district to a maximum rear

yard setback of ten feet; except, however, that the rear yard setback for a detached accessory building to be located on a double frontage lot shall be a minimum of twenty percent of the lot depth to a twenty-five-foot maximum.

2. The sum of the floor area(s) of the total number of detached accessory buildings may not exceed thirty percent of the area of the rear yard of the lot.

3. In no case shall any portion of an accessory building, including eaves or roof overhangs, extend beyond a property line or into an access easement or street right-of-way. (Ord. 2727 § 5, 1982; Ord. 2642 § 1 (part), 1981).

22.72.055 Garages, carports and cardecks on steep lots. In any district allowing residential uses, where the slope of the front one-half of the lot is twenty percent or greater, or where the elevation of the lot at the front property line is five feet or more above or below the elevation of the established street, a private garage, carport or cardeck may be built to within three feet of the front and side lines of the lot. All portions of the dwelling other than the garage, carport or cardeck shall maintain the required setback applicable to the main building in the respective district. In no case shall any portion of a garage, carport or cardeck, including eaves or roof overhangs, extend beyond a property line or into an access easement or street right-of-way. (Ord. 2642 § 1 (part), 1981).

22.72.060 Fences. Fences or walls greater than six feet but less than ten feet in height above the finish grade of the site, shall be subject to the same yard requirements of this title applicable to the main building in the respective district. (Ord. 2642 § 1 (part), 1981).

22.72.063 Retaining walls. Retaining walls greater than four feet in height but less than six feet in height above the finished grade of the site at any point may be located within the required setback provided the exposed side of the wall faces into the property. Retaining walls greater than four feet in height above the finished grade where the exposed side of the wall faces out from the property and all walls greater than six feet in height above finished grade shall be subject to the same requirements as the main building in the respective district. Requests for deviations from this standard shall be subject to the use permit provision (Section 22.88) of this title. (Ord. 2727 § 4, 1982).

22.72.065 Hot tubs, swimming pools and other site design elements. Detached decks, terraces, steps, earthworks, hot tubs, swimming pools, freestanding solar devices and other site design elements which are placed directly upon the finish grade, and which exceed a height of eighteen inches above the surrounding finish grade at any point, shall conform to the yard requirements of this chapter for detached accessory building (site design elements less than eighteen inches above finish grade are exempt under

Section 22.72.015). Maximum height of such site design elements shall conform to the height limit for detached accessory structures in Chapter 22.70 of this title. (Ord. 2624 § 1 (part), 1981).

22.72.070 Waiver of yard regulations for structures related to the drought emergency. During any period of drought emergency declared by the board of supervisors, the planning director may waive requirements of this chapter applying to water tanks and related structures, including, provisions for public notices and public hearings; provided, that the director finds:

1. The proposed structure is necessary in order to provide water during emergency circumstances.

2. The waiver of zoning requirements is necessary to meet the intent and purposes of the structure effectively.

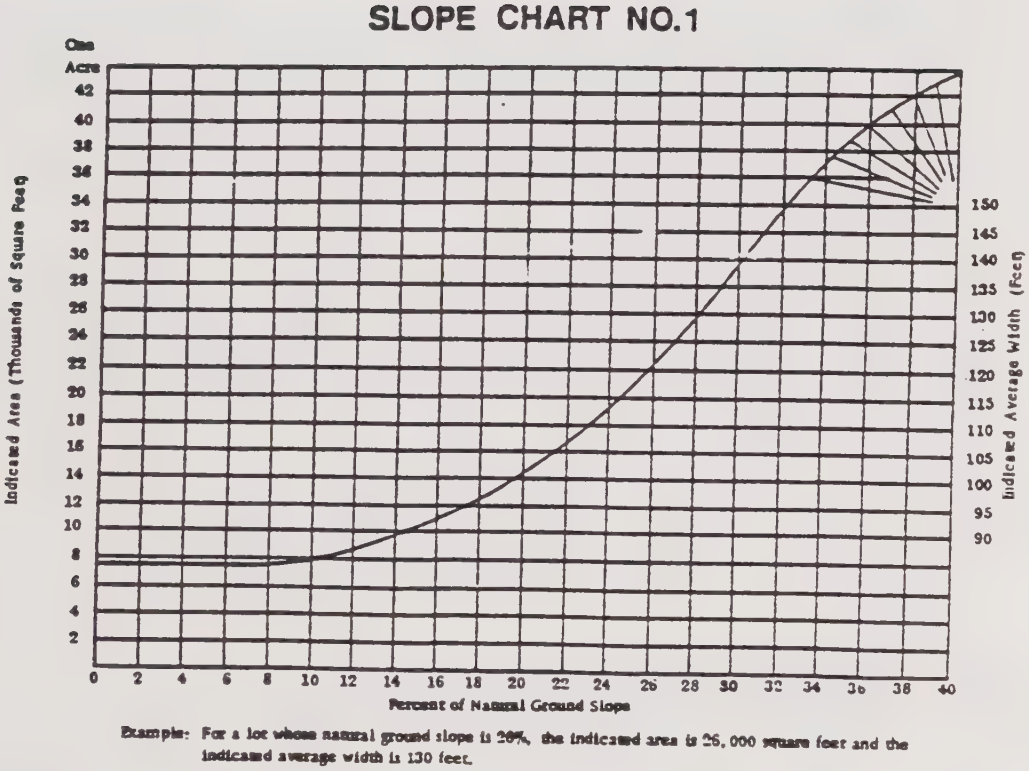
The planning director may include appropriate conditions in the waiver of requirements, including but not limited to height, placement, design, color, materials, landscaping, and time limit for removing structures. (Ord. 2642 § 1 (part), 1981).

Chapter 22.73

LOT-SLOPE REQUIREMENTS

Sections:

22.73.010 Application of regulations. For all lots created on or after January 18, 1974, or for the purpose of merger of lots on or after January 1, 1984, pursuant to Chapter 20.12 of the Marin County Code, the minimum lot area and average lot width shall be based upon the natural ground slope as shown on the following Slope Chart No. 1, unless any of the special area lot-slope requirements of Section 22.73.030 apply.



(Ord. 3157 § 2 (part), 1993; Ord. 2211 § 1 (part), 1976: Ord. 2058 § 1 (part), 1973).

22.73.030 Special area lot-slope requirements. the following slope requirements are applicable only in the area to which they are specifically applied to the exclusion of any other slope requirement.

(1) Sleepy Hollow. This lot slope requirement applies only in the area of the district zoning map for Sleepy Hollow, as adopted by the board of supervisors by Ordinance No. 784.

(a) Where the average natural ground slope is fifteen percent or less, the minimum lot area shall be fifteen thousand square feet.

(b) Where the average natural ground slope is more than fifteen percent, one thousand square feet additional lot area shall be added for each additional one percent of slope, to a maximum of forty-five thousand square feet.

(2) Indian Valley. This lot slope requirement applies only in the area of the Indian Valley Specific Plan, as adopted by the board of supervisors by Resolution No. 73-119.

Average Natural Slope of Lot	Minimum Lot Size
Less than 10%	1.0 acres
10% to 20%	1.5 acres
Over 20%	2.0 acres

(Ord. 2211 § 1 (part), 1976: Ord. 2058 § 1 (part), 1973).

22.73.050 Zoning regulations. Where the existing zoning requires a lot area or average width greater than that required by this chapter, then the zoning requirements shall prevail. (Ord. 2211 § 1 (part), 1976: Ord. 2058 § 1 (part), 1973).

Chapter 22.74

PARKING AND LOADING REQUIREMENTS

Sections:

22.74.010 General intent. Every main building or use hereafter created or established shall be provided with minimum off-street parking and loading spaces as specified in Title 24. (Ord. 2163 § 13, 1975: Ord. 1684 § 5 (part), 1969: Ord. 1677 (part), 1968: Ord. 463 (part), 1948: Ord. 264 § 14(d) (part), 1938).

Chapter 22.77

TIDELANDS

Sections:

22.77.010 Applicability and exceptions. This chapter shall apply to all land and water areas within the unincorporated area of Marin County which are below, or were, at any time within a preceding twelve-month period, below an elevation of seven and one-half feet mean lower low-water datum and to contiguous land between that elevation line, and either a point one hundred feet inland or the nearest publicly maintained road, whichever is closer. For the purposes of this chapter, all the land and water area described in this chapter shall be referred to in this chapter as tidelands. The following items shall not be subject to this chapter:

(1) Any emergency work necessary to prevent or to minimize imminent damage to land or improvements from floodwaters. Such emergency work shall be reported on the next normal working day and confirmed in writing ten days after the start of such work to the planning department;

(2) Any maintenance work to buildings or structures which existed prior to the effective date of the ordinance codified in this chapter or were approved under the provisions of this chapter;

(3) Any structure, fill or excavation which the planning director finds to be minor or incidental;

(4) Any structure, fill or excavation which has been approved as part of any application, action or permit by the planning commission, public works director, the planning director or zoning administrator, except that such structure, fill or excavation shall not be deemed to have been approved by a building permit. Where a development is subject to other provisions of Titles 20 and 22, approval of any fill, excavation, or structure within the scope of this chapter which is contained in the development, shall be subject to the findings of Section 22.77.040(4);

(5) Any structure, fill or excavation which is behind secure dikes, which existed prior to the effective date of the ordinance codified in this chapter and

which is normally not subject to tidal action by virtue of the dike, or which is only temporarily under tidal action due to defective tide gates;

(6) Applicability of this chapter shall be limited in creeks, estuaries and rivers to areas downstream from certain defined points, as follows:

(a) Coyote Creek: State Highway No. 1 Bridge, and

(b) Corte Madera Creek: Downstream end of concrete channel. (Ord. 3108 § 2(part), 1992: Ord. 2779 § 1, 1983: Ord. 2255 § 1, 1977: Ord. 2246 § 1, 1976: Ord. 1892 § 1, 1972: Ord. 1834 § 1, 1971; Ord. 1761 § 1 (part), 1970).

22.77.015 Coastal zone. Any filling, excavation, and construction in tideland areas of the coastal zone as defined by the Coastal Act of 1976, may be subject to a coastal development permit pursuant to Chapter 22.56 and 22.57 of this code. Different standards, as set forth in Chapters 22.56 and 22.57, are applicable to projects located in coastal districts. (Ord. 2637 § 7, 1981).

22.77.020 Purposes. Marin County tidelands, shorelines, waterways, beaches or salt marshes are vital natural resources which can provide great benefits to present and future human generations. They offer scenic views, open space, recreational activities such as fishing, swimming, boating, walking, wildlife habitats, opportunities for water transportation and sites for homes and for water-oriented resorts and industries. They fulfill an indispensable role in preserving the climate and air purity of the county.

These benefits could be destroyed or seriously diminished by uncontrolled filling, excavation or construction. Therefore, it is the purpose of this chapter to encourage the fullest enjoyment of these potential benefits with a minimum of physical disturbance and to set forth the standards and procedures by which filling, excavation and construction in tideland areas will be controlled. (Ord. 1892 § 2, 1972: Ord. 1761 § 1 (part), 1970).

22.77.030 Prohibitions. Notwithstanding the provisions of any other county ordinance, it is unlawful for any person, firm, corporation or public agency to permit, cause to permit, do or cause any of the following:

(a) Construct, deposit or dump within or fill with materials, dirt, earth, mud, garbage, refuse or any material whatsoever on any of the tidelands designated in Section 22.77.010, except in compliance with Section 22.77.040;

(b) Excavate, dredge or remove any dirt, earth, mud, sand, gravel or any other material from any of the tidelands designated in Section 22.77.010, except in compliance with Section 22.77.040;

(c) Place or construct any pier, wall, bulkhead, breakwater or other structure on any of the tidelands designated in Section 22.77.010, except in compliance with Section 22.77.040. (Ord. 1761 § 1 (part), 1970).

22.77.040 Procedure. All tidelands permit applications shall be processed as follows:

(1) Filing and Content of Application for a Tidelands Permit. Application for fill, excavation or structures within tidelands as defined in Section 22.77.010 shall be made to the planning department in the form of a tidelands permit. The application shall include information showing existing and proposed grades, extent and amount of proposed fill or excavation, location of all existing and proposed structures, a tentative plan for the future development of the area, and sufficient detail to allow a determination of the impact of the proposal on the navigability, appearance and safety of the waterways.

(2) Action by the Planning Director. If the application includes only repair to a structure or is for a single-family dwelling and/or if the planning director determines the work to be minor and incidental and without significant environmental impact, the planning director shall approve, conditionally approve or deny the application.

(3) Action by Planning Commission. If the application involves new construction and cannot be considered to be minor and incidental and/or is expected to have significant environmental impact, the application shall be referred to the planning commission for consideration. The planning commission shall approve, conditionally approve or deny the application. The planning commission shall consider, in arriving at its decision, applicable regional and state plans for tidal waterways and the criteria, standards and policies developed by agencies administering such regional and state plans.

(4) Findings. The planning director or the planning commission shall approve or conditionally approve applications where it is found that:

(a) The encroachment of the tidelands is the minimum necessary to achieve the purpose of the proposed work;

(b) The proposed fill, excavation or construction will not unduly or unnecessarily:

(i) Inhibit navigation.

(ii) Inhibit access to publicly owned tidelands,

(iii) Cause or increase the likelihood of water pollution,

(iv) Cause or increase the likelihood of flooding of adjoining lands,

(v) Destroy or accelerate the destruction of habitats essential to species of fish, shellfish and other wildlife of substantial public benefit,

(vi) Interfere with or detract from the line of sight of the public toward the water, particularly on natural features of visual prominence,

(vii) Conflict with the scenic beauty of the shoreline due to height, bulk, form, color, materials, illumination or the extent and design,

(viii) Create a safety hazard in connection with settlement of fill or earthquakes, or

(ix) Diminish natural waterways by siltation, sedimentation or bank erosion;

(c) The proposal is in substantial harmony with any adopted county general plan or specific plan, including the Local Coastal Program, Units 1 and 2, and is consistent with public trust policies for tideland areas;

(d) Public benefits will be created to offset some of the detriments which may be caused by the nature of the proposal; however, this finding is not required:

(i) Where the application covers lands wholly above elevation 7.5 feet mean lower low-water datum, or

(ii) Where the size or potential uses of the parcel are so limited that creation of a public benefit would be infeasible and where the amount and effect of fill, excavating or structures are minimal.

Public benefits may be realized through: development of new recreational opportunities; or provision of new public access to the water; or enhancement of shoreline appearance; or establishment of water transportation; or facilities for land or air transportation where all other alternatives have been exhausted; or construction of water-oriented industry or development of marine food supplies; or other benefits considered by the planning director and/or the planning commission to be of comparable importance; and

(e) The proposed fill, excavation or construction will not adversely affect the existing public rights on the property.

(5) Filing Date. The filing date of an application for tidelands permit shall be the date on which the planning department deems the application submittal to be complete. The planning director or commission shall make a decision on an application for tidelands permit within sixty days after the filing date of an application or, within a longer period as may be agreed upon between the applicant and the planning director.

(6) Notice of Action and/or Hearing Date. At least ten days prior to an administrative action by the planning director or a public hearing before the planning commission, a public notice of the tidelands permit application shall be mailed to all persons whose names and addresses are shown on the latest equalized assessment roll of the county as owners of real property within a distance of three hundred feet of the property which is the subject of the proposed tidelands permit. The notice must include a general location and description of the tidelands permit and the date of administrative action or the date, time, and place of the public hearing. In addition, a public hearing notice shall either be:

(a) Published in at least one local newspaper of general circulation at least ten days prior to the hearing; or

(b) Posted in at least three local public places in the area directly affected by the proposed tidelands permit.

(7) Expiration and Extension of Tidelands Permits. A tidelands permit shall expire two years from the effective date of the approval, unless a different expiration date is stipulated at the time of approval. Prior to the expiration of a tidelands permit, the applicant may apply to the planning director for an extension up to a maximum period of four years from the original date of

expiration. The planning director may make minor modifications of the permit at the time of extension if it is found that there has been a substantial change in the circumstances surrounding the original approval. If a building permit or other permit is issued during the effective life of a tidelands permit, the expiration date of the tidelands permit shall be automatically extended to concur with the expiration date of the other permit. (Ord. 3108 § 2(part), 1992: Ord. 2779 § 2, 1983: Ord. 2255 § 2, 1977: Ord. 2246 § 2, 1976: Ord. 2050 § 1, 1973; Ord. 1892 §§ 3, 4, 1972; Ord. 1761 § 1 (part), 1970).

22.77.045 Fees. The planning director shall collect fees for processing applications and inspecting work performed pursuant to this chapter. Such fees shall be established in the current Marin County Planning Department Fee Schedule. (Ord. 3108 § 2 (part), 1992: Ord. 2779 § 3, 1983).

22.77.050 Guarantees. Guarantees, sureties or other evidence of compliance may be required in connection with the approval of a tidelands permit. (Ord. 1761 § 1 (part), 1970).

22.77.060 Noncompliance. Failure to comply in any respect with an approved permit shall constitute grounds for the immediate stoppage of work involved in the noncompliance. (Ord. 1761 § 1 (part), 1970).

22.77.070 Appeals. Chapter 22.89 shall apply to all appeals regarding actions taken under this chapter. (Ord. 1761 § 1 (part), 1970).

Chapter 22.78
NONCONFORMING USES

Sections:

22.78.010 Application of regulations. Except as otherwise provided in this chapter, the lawful use of land existing at the time of the adoption of the ordinance codified in this title, although the use does not conform to the regulations specified by this title for the district in which the land is located, may be continued; provided, however, that no nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by the use at the time of the adoption of this title, nor shall any nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by the nonconforming use at the time of the adoption of the ordinance codified in this title; provided, further, that if any nonconforming use of land ceases for any period of time whatever, for any reason whatever, any subsequent use of the land shall be in conformity to the regulations specified by this title for the district in which the land is located. (Ord. 264 § 15 (part), 1938).

22.78.020 Continuation of existing nonconforming uses. Except as otherwise provided in this chapter, the lawful use of a building existing at the time of the adoption of the ordinances codified in this title, although the use does not conform to the regulations specified by this title for the district in which the building is located, may be continued. Any such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein, but no such use shall be extended to occupy any land outside the building. If no structural alterations are made, nonconforming use of a building may be changed to another nonconforming use, which, in the opinion of the zoning administrator, is of the same or of a more restricted nature. If any

nonconforming use of a building ceases for any reason whatever for a continuous period of not less than six months, or if the building in or on which

such use is conducted or maintained is moved for any distance whatever for any reason whatever, then, in any such case, any future use of such building shall be in conformity to the regulations specified by this title for the district in which such building is located. If any building in or on which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building was located shall be in conformity to the regulations specified by this title for the district in which such land is located. (Ord. 264 § 15 (part), as amended by Ord. 971; April 29, 1958).

22.78.030 Enlargement of nonconforming use. No existing building designed, arranged, intended for, or devoted to, a use not permitted under the regulations specified by this title for the district, in which such building is located, shall be enlarged, extended, reconstructed, structurally altered or moved unless such use is changed to a use permitted under the regulations specified by this title for such district in which said building is located; provided, however, that work done in any period of twelve months on ordinary structural alterations or replacements of walls, fixtures or plumbing not exceeding twenty-five percent of the building's appraised value according to the appraisal thereof by the assessor of the county for the fiscal year in which such work is done shall be permitted, provided that the cubical contents of the building as it existed at the time of the passage of the ordinance codified in this title be not increased. (Ord. 1491 § 2; January 25, 1966: prior Ord. 264 § 15 (part); July 18, 1938).

22.78.040 Rebuilding nonconforming buildings which are destroyed. If at any time any building in existence or maintained at the time of the adoption of the ordinance codified in this title, which does not conform to the regulations for the district in which it is located shall be destroyed by any means to the extent of more than seventy-five percent of the fair market value thereof according to the appraisal thereof by the assessor of the county for the fiscal year during which such destruction occurs, or if such building is moved for any reason whatever for any distance whatever from the exact location occupied by such building at the time of the adoption of the ordinance codified in this title, then, in any case, without further action by the board of supervisors, the building and the land on which the building was located or maintained shall from and after the date of said destruction or moving be subject to all the regulations specified by this title for the district in which such land and building are located, except that in the event of an emergency or natural disaster reconstruction of a nonconforming building can be allowed by the planning director, upon marking the findings that the degree of nonconformity is not increased; that there is adequate information available regarding the pre-existing placement, height, floor area, and bulk of the structure to be reconstructed; and that the reconstruction will not adversely affect the public health, safety and welfare. Reconstruction of a structure containing a nonconforming use

under the provisions of the zoning ordinance, when a nonconforming use is proposed to be continued, cannot be allowed under this provision. (Ord. 2707 § 1, 1982: Ord. 2686 § 1, 1982: Ord. 1491 § 3; January 25, 1966: prior Ord. 264 § 15 (part): July 18, 1938).

22.78.050 Buildings under construction. Nothing contained in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of the ordinance codified in this title and upon which building actual construction has been diligently carried on. Actual construction is hereby defined to be the actual placing of construction materials in their permanent position fastened in a permanent manner, except that where a basement is being excavated, such excavating shall be deemed to be actual construction; or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition and removal shall be deemed to be actual construction; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved. (Ord. 264 § 15 (part); July 18, 1938).

22.78.060 Conformity of uses requiring use permits. Except as provided in Section 22.66.030, any use for which a use permit is required or for which a use permit may be granted, as provided in this title, which use is existing at the time of the adoption of the ordinance codified in this title in any district in which such use is specifically permitted subject to the securing of a use permit, shall be deemed to be a conforming use in such district, but only to the extent that it then existed. (Ord. 1491 § 4; January 25, 1966: prior Ord. 264 § 15 (part); July 18, 1938).

22.78.062 Previous use permits in effect. Any use in existence, by virtue of a use permit issued pursuant to zoning regulations previously in effect, at the time of application of the regulations for any district in this title, which use under such new regulations is not permissible by use permit may continue in existence but only as regulated by the provisions and terms of the existing use permit. If such use permit specified a terminal date then the use shall be terminated as specified. (Ord. 1491 § 5; January 25, 1966).

22.78.070 Nonconforming junk yards. Regardless of any other provision of this title no junk yard which, after the adoption of this title, exists as a nonconforming use in any R district or in any district with which is combined an H district shall continue as herein provided for nonconforming uses, but every such junk yard shall be removed or changed to a use permitted in the respective district within a period of one year from and after the time that such junk yards become nonconforming uses. Regardless of any other provisions of this title no junk yard which, after the adoption of the ordinance codified in this title, exists as a nonconforming use in any district

other than an R district and other than any district with which is combined an H district shall continue as herein provided for nonconforming uses unless such junk yards shall, within one year after the same has become a nonconforming use, be completely enclosed within a building or within a continuous solid fence not less than eight feet in height and in any case of such height as to screen completely

all operations of such junk yard, of which building or fence the plans shall first have been approved by the zoning administrator. Subject to the provisions of this section, all other provisions of this chapter shall apply to every nonconforming junk yard. (Ord. 264 § 15 (part), as amended by Ord. 971; April 29, 1958).

22.78.080 Nonconforming signs. Any sign which was legal prior to September 4, 1969, but which does not conform to the provisions of Chapter 22.69 to the extent specified below shall be removed or modified to conform within the amortization period contained herein, unless approved by sign review during such period.

A. Nonconforming signs subject to removal or modification.

(1) Sign area for an individual use:

(a) A free standing sign for:

(i) A freeway oriented service station exceeding one hundred square feet

(ii) A freeway oriented restaurant or lodging establishment exceeding one hundred fifty square feet

(iii) A freeway oriented shopping center exceeding one hundred fifty square feet

(iv) Other use exceeding seventy-five square feet,

(b) Aggregate of signs exceeding total of two hundred fifty square feet;

(2) Location: Any sign located on a roof;

(3) Projection: Any sign projecting at an angle from the wall;

(4) Height: Any free standing sign higher than thirty feet.

B. Amortization period.

A nonconforming sign shall be removed or made to conform within five years from the date of notice. Exceptions to amortization period:

(1) A sign with a terminal date specified by a use permit issued prior to September 4, 1969, shall be amortized accordingly in lieu of the above amortization period;

(2) The owner of a nonconforming sign may make application to the planning commission for an extension of the amortization period. The planning commission may grant an extension not exceeding five years upon the finding and determination of unique or unusual circumstances relative to such sign.

C. Notice of nonconforming signs.

The amortization period for a nonconforming sign shall commence on the date upon which the planning director gives written notice to the owner of the property on which the sign is located and any other persons whom he determines, after a reasonable investigation, to have a beneficial interest in the sign. Upon expiration of the amortization period, the planning director shall give final notice of nonconformance to the owner of the land and such other persons as he previously determined to have a beneficial interest in the sign, or their successors. If the sign is not removed or modified to conform

with applicable requirements within sixty days thereafter, it shall be deemed a public nuisance and may thereafter be removed by the county in accordance with nuisance abatement procedure. (Ord. 1719 § 12; August 5, 1969; Ord. 1668 § 1; October 15, 1968: Ord. 1443 § 1; June 8, 1965: Ord. 264 § 15 (part); July 18, 1938).

22.78.090 Application to changed and new districts. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed and in districts hereafter established. (Ord. 264 § 15 (part); July 18, 1938).

22.78.100 Nonconforming lumber yard. Regardless of any other provisions of this title, no lumber yard or planing mill which exists as a nonconforming use in any R-P district shall continue for longer than three years from and after the time that the use becomes a nonconforming use, but every lumber yard or planing mill shall be removed or changed to a use permitted in a R-P district within the period of three years. (Ord. 264 § 15 (part) added by Ord. 899; June 4, 1957).

22.78.110 Nonconforming floating homes and floating home marinas.

(a) Nonconforming floating homes. All provisions of this chapter shall apply to nonconforming floating homes.

(b) Within six months of April 24, 1969, application for plan approval and use permit according to Section 22.59.045 and Section 22.59.090 shall be made for all floating home marinas.

(c) Within three years of the date of plan approval and use permit approval, all provisions of these amendments for floating home marinas shall be met, except that the planning commission may grant extensions not to exceed two additional years where justified by individual circumstances. (Ord. 1692 § 5; March 25, 1969).

Chapter 22.80

BUILDING PERMITS AND PLATS

Sections:

22.80.010 Application for building permit. Every application for a building permit under the provisions of the county building code shall be accompanied by an additional drawing or plat, in duplicate, drawn to scale, showing the lot and building site, the proposed location of the building on

the lot, accurate dimensions of the building, of the yards and of the lot, and such other information as may be necessary to the enforcement of this title. The building inspector shall transmit a copy of such application and the original and copy of such additional drawing or plat to the planning commission. (Ord. 264 § 16 (part), 1938).

22.80.020 When building permit required. No building, or work thereon, for which a building permit is not required under the provisions of the county building code, but which is situated or to be situated in an H-1 district or any district with which is combined an -H district, or if not in any district, if within a distance of three hundred feet from the right-of-way of any state highway and designed or intended to be used for any purpose other than one family residential or agricultural in character, shall be constructed, erected, reconstructed. structurally altered, enlarged or moved unless and until a permit therefor has first been secured from the planning commission or from the officer or employee thereof designated in the rules of the planning commission for such purpose. Every application shall be filed in duplicate and shall be accompanied by a drawing or plat, in duplicate, drawn to scale, and containing the information required in this section for the drawings or plats accompanying applications for building permits under the county building code. (Ord. 264 § 16 (part), 1938).

22.80.030 Time limitation on permit issuance. The planning commission shall act on all permits under the provisions of this chapter within forty days after receipt of the application thereof, or within such longer period as may be agreed upon between the applicant or his agent and the planning commission or the aforesaid officer or employee thereof. (Ord. 264 § 16 (part), 1938).

22.80.040 Filing applications and plats. Every application transmitted to the planning commission by the building inspector and the original copy of every application required under the provisions of this chapter and the original copy of every drawing or plat required hereunder shall be kept at the building at all times during construction. (Ord. 264 § 16 (part), 1938).

Chapter 22.82

DESIGN REVIEW*

Sections:

* Prior ordinance history: Ords. 264, 746 and 1382.

22.82.010 Purpose. (a) It is in the public interest, and necessary for the promotion and protection of the safety, convenience, comfort, prosperity, and general welfare of the citizens of this county, to:

(1) Preserve and enhance the natural beauties of the land and of the manmade environment, and the enjoyment thereof;

(2) Maintain and improve the qualities of, and relationships between, individual buildings, structures and physical developments which best contribute to the amenities and attractiveness of an area or neighborhood;

(3) Protect and insure the adequacy and usefulness of public and private developments as they relate to each other and to the neighborhood or area;

(4) Assure the safe and orderly development of paper streets and/or vacant parcels or legal lots of record which adjoin and/or abut such paper streets, and minimize environmental impacts associated with such development.

(b) In order to prevent the erosion of beauty, the decay of amenity and the dissipation of usefulness, it is necessary to:

(1) Stimulate creative design for individual buildings, groups of buildings and structures and other physical developments;

(2) Encourage the innovative use of materials, methods and techniques;

(3) Integrate the functions, appearance and locations of buildings and improvements so as to best achieve a balance between private prerogatives, and preferences and the public interest and welfare.

(c) Pursuant to, and in furtherance of, these purposes and aims, the review and approval of certain plans and proposals for the physical development or change of land, buildings and structures is required and is designated as "design review." (Ord. 2958 § 2 (part), 1987; Ord. 1611 § 1 (part), 1967).

22.82.020 Matters subject to review. All new buildings, structures and physical improvements and relocation, addition, extension and exterior changes of or to existing buildings, structures and physical improvements shall be subject to design review, whether or not a building permit is required, except as otherwise provided in Section 22.82.030. "Physical improvements" as used herein may include, but is not limited to, parking and loading areas, driveways, retaining walls, fences and garbage or trash enclosures. Plans for signs may be considered in the course of design review in lieu of sign review when such plans are included with the plans for any of the above matters subject to design review. (Ord. 1719 § 13, 1969: Ord. 1611 § 1 (part), 1967).

22.82.025 Substandard size building sites. In those instances where a vacant legal lot of record is proposed for single-family residential development, and when such lot of record is at least fifty percent smaller in total lot area than is otherwise required by applicable minimum zoning regulations, the following rule shall apply: The setback requirements otherwise prescribed for the applicable site shall automatically be waived, and any such proposed single-family residential development shall be subject to design review as provided by this chapter. In such instances the exception provided by Section 22.82.030 (1) shall be null and void. Nothing in this section is meant to imply that the applicable setback standards shall not be applied where possible. (Ord. 2597 § 4, 1981).

22.82.027 Paper streets, general purposes and legislative findings. Within the unincorporated territory of Marin County, there exists a number of subdivisions which were plotted and recorded prior to the adoption of the county's first subdivision ordinance on April 3, 1953 (Ordinance 640) and which subdivisions created legal lots of record. However, portions of these subdivisions were not physically developed or improved. In numerous instances the designated streets have not been improved, the streets were mapped without regard to topography, soil conditions, potential or actual slides, presence of drainage ways and other safety concerns; and such streets, where they exist, were not graded and paved and utilities including electric

power, water mains, sanitary sewer lines and fire hydrants were never installed. Continuing development and buildout of the subdivisions which contain these paper streets has resulted in less than adequate facilities for fire suppression vehicles, turn-around facilities for fire suppression vehicles, and other service vehicles. There exists inadequate provision for: on-street parking, fire hydrants, drainage facilities, existing vegetation management, soils conditions, landscaping and watercourses. The increased buildout rate has resulted in traffic burdens within adjoining and nearby established residential areas due to the absence of a traffic circulation plan when such subdivisions were plotted.

(1) Design Review Required for Lots Served by Paper Streets. In those instances where a vacant, unimproved legal lot of record which is accessed by a paper street is proposed for development and improvement, e.g., the construction of a single-family dwelling or any similar site development or improvement, said proposed development or improvement shall be subject to the design review requirements set forth in this section regardless of parcel size or zoning district in which it is located. The scope of the design review decision shall include all proposed access improvements.

(2) Applicability. The provisions and measures set forth in Section 22.82.027, et seq., are declared to be applicable on a countwide basis and shall apply in all instances where a lot and/or parcels of record adjoining or abutting a paper street, or lot access, is proposed for development; provided, however, that the provisions set forth in this section shall not become effective unless and until the Marin County Board of Supervisors adopts a specific resolution for application of said regulations within all or part of the unincorporated territory of Marin County.

(3) Definitions.

a. "Paper street" means, for the purpose of this section, any street, or portion of a street, road or public vehicular access shown on a subdivision map recorded prior to April 3, 1953, which is undeveloped and/or unimproved, excluding "driveways" as defined in subsection (2)(b) of this section.

b. "Driveway" means, for the purpose of this section, any private vehicular access extending from any improved and previously paved access and which length does not exceed two hundred fifty feet or whose longitudinal slope does not exceed twenty percent. In those instances where a driveway is proposed to cross or transverse a paper street right-of-way, the information requirements set forth in subsection (4) of this section shall govern and apply.

(4) Information Required for Design Review Application for Lots Served by Paper Streets. In order to assure compliance with county public health and safety standards when a paper street is proposed for development

through the design review application approval process pursuant to the provisions of this chapter, the following information shall be concurrently submitted, in addition to the standard requirements otherwise set forth in Chapter 22.82 of this title.

a. Full and complete topographic information relative to the paper street from the point of its proposed connection with an improved street to service the lot (or lots) proposed for development. All ownership, legal interest, or control of all lots and parcels along the street or streets by the applicant shall be disclosed. In those instances where the owner of said lot or lots owns and possesses, controls, or has a legal interest in, additional lots on the same or connecting paper street, full and complete topographic information may be required for the length of the paper street or paper streets which services all the parcels under such ownership, legal interest or control. All such ownership interest or other agreements which potentially access the paper street in question shall be revealed and specified at the time of application;

b. A conceptual grading plan for all access and lot improvements showing existing and proposed contours, cuts and fills, and gradients;

c. The location and amount of all proposed on-street parking facilities and the location of turnaround areas for emergency services vehicles (fire trucks, ambulances and law enforcement vehicles);

d. The location, type and size of fire hydrants and other utility services;

e. A conceptual street design and improvement plan for that portion of the street proposed for development. Additional circulation plans and/or traffic studies may be required to allow evaluation of area circulation, alternative roadway connections, and/or additional street extensions when the length of extension and number or location of connections are determined to possibly result in significant impacts on connecting roads, intersections or the surrounding community;

f. Submission of hydrologic data and hydraulic analysis may be required if the proposed changes in natural grades, drainage, impervious surface, and removal of vegetation could potentially result in drainage impacts on the subject and other properties. If adverse drainage problems are identified, a mitigation plan may also be required;

g. Information required to be submitted in subdivisions (a) through (f) of this subsection immediately above shall be reviewed and approved for adequacy by the director of public works.

(5) Noticing. Notwithstanding the public noticing requirements set forth in this chapter, the planning director may cause and direct expanded public notice to assure maximum feasible public awareness of any design review application processed pursuant to Chapter 22.82, et. seq. (Ord. 2958 § 2 (part), 1987).

22.82.030 Matters exempt from review. The following developments and physical improvements are exempt from design review procedures and requirements:

(1) Single-family dwellings, except as required pursuant to any section of this title;

(2) Agricultural buildings, structures, improvements, and developments which are three hundred feet or more distant from a property line of abutting property, in separate ownerships, and which, in addition, are three hundred feet or more distant from a street;

(3) Signs other than those included in plans for a matter subject to design review;

(4) Other work determined by the planning director to be minor or incidental and within the intent and objectives of this chapter;

(5) Repairs or reconstruction work needed because of an emergency or natural disaster. (Ord. 2707 § 2, 1982: Ord. 2686 § 2, 1982: Ord. 2597 § 5, 1981: Ord. 1719 § 14, 1969: Ord. 1611 § 1 (part), 1967).

22.82.040 Standards – Criteria. The review and approval of plans and proposals as set forth herein, shall assure that a development or physical improvement is designed and located in a manner which will best satisfy the following criteria:

(a) It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;

(b) It will not impair, or interfere with, the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;

(c) It will not directly, or in a cumulative fashion, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties, including public lands and rights-of-way;

(d) It will be properly and adequately landscaped with maximum retention of trees and other natural material;

(e) It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or juxtaposition. Adverse effects may include, but are not limited to, those produced by the design and location characteristics of:

(1) the scale, mass, height, area, and materials of buildings and structures,

(2) drainage systems and appurtenant structures,

(3) cut and fill or the reforming of the natural terrain, and structures appurtenant thereto such as retaining walls and bulkheads,

(4) areas, paths, and rights-of-way for the containment, movement or general circulation of persons, animals, vehicles, conveyances, and watercraft,

(5) other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas, and privacy;

(f) It may contain roof overhang, roofing material, and siding material that are compatible both with the principles of energy-conserving design and with the prevailing architectural style in the neighborhood. (Ord. 2641, 1981; Ord. 1611 § 1 (part), 1967).

22.82.050 Prohibitions. No work shall be started or authorized on any matter which is subject to design review until a design review application is approved, unless written approval for the work is given by the planning director or his authorized representative. (Ord. 1611 § 1 (part), 1967).

22.82.060 Application. Applications for design review, together with the appropriate fee and required drawings and other materials, shall be filed in the office of the planning department. (Ord. 1611 § 1 (part), 1967).

22.82.070 Material accompanying application. Every application shall be accompanied by such drawings, maps, plans, specifications and graphic or written material as may be required to describe clearly and accurately the proposed work and its effect on the terrain and existing improvements. (Ord. 1611 § 1 (part), 1967).

22.82.080 Filing date. The filing date of an application for design review shall be the date on which the office of the planning department receives the last submission, plan, map or other material required as a part of that application, unless the planning director or his authorized representative agrees in writing to an earlier filing date. (Ord. 1611 § 1 (part), 1967).

22.82.090 Action on application. All design review applications shall be processed as follows:

1. The planning director shall approve, conditionally approve or deny all design review applications. However, where the planning director finds that significant policy questions are at issue, the planning director may refer the application to the planning commission for initial action. In addition, where a design review application is associated with a permit application that requires a public hearing, the design review action may be taken by the zoning administrator. The planning commission shall also act as the appeal body in all design review actions taken by the planning director or zoning administrator. The board of supervisors shall act as the appeal body in all design review actions taken by the planning commission.

2. Notice of Action and/or Hearing Date. At least ten days prior to an administrative action by the planning director or a public hearing before the zoning administrator or planning commission, a public notice of the design review application shall be mailed to all persons whose names and addresses are shown on the latest equalized assessment roll of the county as owners of

real property within a distance of three hundred feet of the property which is the subject of the proposed design review. The notice must include a general location and description of the design review and the date of administrative action or the date, time and place of the public hearing. In addition, a public hearing notice shall either be:

a. Published in at least one local newspaper of general circulation at least ten days prior to the hearing; or

b. Posted in at least three local public places in the area directly affected by the proposed design review.

3. For the planning director, zoning administrator, planning commission, or board of supervisors to approve a design review application, it shall be necessary that the findings established in Section 22.82.040 be made.

4. The filing date of an application for design review shall be the date on which the planning director deems the application submittal to be complete. The initial action taken by the planning director, zoning administrator, or planning commission on a design review application shall be made within sixty days after the filing date of an application, or within a longer period as may be agreed upon between the applicant and the planning director. (Ord. 3157 § 2, (part), 1993: Ord. 2409 § 2, 1979; Ord. 1992 § 2, 1973: Ord. 1611 § 1 (part), 1967).

22.82.100 Approval — Conditions — Guarantees. An application for design review may be approved, approved with modifications, conditionally approved or disapproved.

Guarantees, sureties or other evidence of compliance may be required in connection with, or as a condition of, a design review permit.

An approved application, and all other related and approved maps, drawings and other supporting materials constituting a part of the approved application, shall be so endorsed by the planning director or his authorized representative.

The planning director or his authorized representative shall review construction drawings, final plans and other similar documents for compliance with the approved design review application, any conditions attached thereto or any approved or required modifications thereof. (Ord. 1611 § 1 (part), 1967).

22.82.110 Noncompliance. Failure to comply in any respect with an approved design review application shall constitute grounds for the immediate stoppage of the work involved in the noncompliance until the matter is resolved. (Ord. 1611 § 1 (part), 1967).

22.82.120 Appeals. Chapter 22.89 shall apply to appeals on design review matters. (Ord. 1611 § 1 (part), 1967).

22.82.130 Vesting, extensions of approval. A design review approval shall be vested within two years from the effective date of approval, unless a

different expiration date is stipulated at the time of approval. As used in this section, vesting a design review approval means: (1) securing a valid building permit and/or other permits related to the approval; and (2) substantial completion of improvements in accordance with the secured building permit and/or other permits. Prior to expiration of the vesting period, an applicant may apply to the planning director for an extension up to a maximum period of four years from the original date of expiration. The planning director may make minor modifications to the approved design review at the time of extension if it is found that there has been a substantial change in the factual circumstances surrounding the original approval. (Ord. 3157 § 2 (part), 1993: Ord. 3108 § 2 (part), 1992: Ord. 1611 § 1 (part), 1967).

22.82.140 Prior permits. An architectural supervision approval or permit issued prior to adoption of the ordinance codified in this chapter and still valid on the effective date hereof shall expire one year from the effective date hereof unless a different expiration date is specified as a part of the architectural supervision approval or permit. Section 22.82.130 shall apply to valid prior approvals and permits. (Ord. 1611 § 2 (part), 1967).

22.82.150 Waiver of design review requirements for structures related to the drought emergency. During any period of drought emergency declared by the board of supervisors, the planning director may waive requirements of this chapter applying to water tanks and related structures, including provisions for public notices and public hearings; provided, that the director finds:

(a) The proposed structure is necessary in order to provide water during emergency circumstances.

(b) The waiver of zoning requirements is necessary to meet the intent and purpose of the structure effectively.

The planning director may include appropriate conditions in the waiver of requirements, including but not limited to height, placement, design, color, materials, landscaping, and time limits for removing structures. (Ord. 2268 § 3, 1977).

Chapter 22.84

CERTIFICATES OF OCCUPANCY

Sections:

22.84.010 Provisions for certificates of occupancy. No vacant land in any district established by this title, except any A-1 or A-2 district, shall hereafter be occupied or used, except for agricultural uses other than livestock farming or dairying, and no building hereafter erected or structurally altered in any such district shall be occupied or used until a certificate of occupancy has been issued by the planning commission or by such officer or employee thereof as the commission may designate for the purpose.

Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made at the same time as the application for a permit for the building as required in Chapter 22.80 of this title. The certificate shall be issued within three days after a written request for the same has been made to the planning commission or officer or employee thereof after the erection or alteration of the building or part thereof has been completed in conformity with the provisions of this title. Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the planning commission or the officers or employees thereof for a period of not exceeding six months during the completion.

Temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the county relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land or for a change in the character of the use of land, as herein provided, shall be made before any land shall be so occupied or used, except for

agriculture purposes other than livestock farming or dairying. Such a certificate of occupancy shall be issued within three days after the application therefore has been made, provided such use is in conformity with the provisions of this title.

Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and of this title.

A record of all certificates of occupancy shall be kept on file in the office of the planning commission and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for a certificate of occupancy.

No permit for excavation of any building shall be issued before application has been made for a certificate of occupancy. (Ord. 264 § 18, 1938).

Chapter 22.86

ADJUSTMENTS AND VARIANCES

Sections:

22.86.010 Limitations on power to grant. The zoning administrator, subject to appeal in each case, as hereinafter provided, shall have power to grant adjustments and variances in any of the provisions of this title to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this title in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application;

2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of the ordinance codified in this chapter;

3. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly or implicitly authorized by the zone regulation governing the parcel of property;

4. The provisions of Chapters 22.56 and 22.57 may not be amended or modified except as provided by procedures for such amendments as approved by the California Coastal Commission. A variance or adjustment to the requirements of any C district shall be granted only when, in addition to the other

requirements of this chapter, the variance or adjustment is found consistent with requirements of Chapter 22.56 and the goals and objectives of the local coastal plan. Variances to density requirements may be granted, up to an increase of ten percent within C districts only when such variance is found consistent with the requirements of Chapter 22.56 and the policies, objectives and goals of the local coastal program. (Ord. 2637 § 8, 1981: Ord. 2597 § 6 (part), 1981: Ord. 971, 1958: Ord. 264 § 19 (part), 1938).

22.86.020 Application for adjustment or variance. Application for any adjustment or variance permissible under the provisions of this chapter shall be made to the zoning administrator in the form of a written application, together with the appropriate fee and required drawings. (Ord. 2597 § 6 (part), 1981: Ord. 2386 § 1, 1979; ord. 1486 § 3, 1966: Ord. 971 (part), 1958: Ord. 921, 1957: Ord. 689, 1954: Ord. 264 § 19 (part), 1938).

22.86.025 Action on application. All variance applications shall be processed as follows:

1. Administrative Variances. The planning director shall approve, conditionally approve or deny all variances from the provisions of this title relating to height limit variations of two feet or less, floor area ratio variations of two percent or less, and setback variations of forty percent or less. However, where the planning director finds that significant policy questions are at issue, the planning director may refer the application to the planning commission for initial action. The planning commission shall also act as the appeal body in all variance actions taken by the planning director. The board of supervisors shall act as the appeal body in all variance actions taken by the planning commission.

2. Public Hearing Variances. All other variances from the provisions of this title not specifically cited in the administrative variance subsection, shall require a public hearing by the zoning administrator. However, where the zoning administrator finds that significant policy questions are at issue, the zoning administrator may refer the application to the planning commission for initial action. The planning commission shall also act as the appeal body in all variance actions taken by the zoning administrator. The board of supervisors shall act as the appeal body in all variance actions taken by the planning commission.

3. Notice of Action and/or Hearing Date. At least ten days prior to an administrative action by the planning director or a public hearing before the zoning administrator or planning commission, a public notice of the variance application shall be mailed to all persons whose names and addresses are shown on the latest equalized assessment roll of the county as owners of real property within a distance of three hundred feet of the property which is the subject of the proposed variance. The notice must include a general location and description of the variance and the date of administrative action or the date, time and place of the public hearing. In addition, a public hearing notice shall either be:

a. Published in at least one local newspaper of general circulation at least ten days prior to the hearing; or

b. Posted in at least three local public places in the area directly affected by the proposed design review.

4. For the planning director, zoning administrator, planning commission, or board of supervisors to grant a variance, it shall be necessary that the following findings be made:

a. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity under an identical zoning district.

b. The granting of a variance for the property will not be detrimental to the public welfare or injurious to other property in the vicinity.

c. The granting of a variance for the property does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity under an identical zoning district.

d. The granting of a variance for the property does not authorize a use or activity which is not otherwise expressly authorized by the particular zoning district regulations governing such property.

5. The filing date of an application for variance shall be the date on which the planning director deems the application submittal to be complete. The initial action taken by the planning director, zoning administrator or planning commission shall be made within sixty days after the filing date of an application, or within a longer period as may be agreed upon between the applicant and the planning director. (Ord. 3157 § 2 (part), 1993: Ord. 2597 § 6 (part), 1981).

22.86.026 Exempt projects. Notwithstanding the requirements of Section 22.86.025, in those instances where additional floor area is created through the utilization of existing, potentially habitable building space in garages, subfloor areas, attics, or high-volume ceilings within a dwelling constructed prior to the effective date of the ordinance codified in this title, the planning director may ministerially find a project exempt from the requirements of Section 22.86.025, subject to the following:

1. The cubical contents of the building shall not be increased with exception to minor dormers and bay windows which provide headroom or circulation but neither add to the apparent bulk and mass of the building nor block any views.

2. The floor area ratio may be increased not to exceed a maximum of 0.35 (35%) or three hundred square feet, whichever is less.

3. The project must be consistent with the goals and policies of the countywide plan and any adopted community plan.

4. The project must meet minimum off-street parking requirements, as provided in Title 24. When garages are converted to living space, consideration shall be given to whether an off-street parking area can be provided that conforms to all development standards, as provided in Title 22.

5. The project shall be subject to design review, as provided in Chapter 22.82. (Ord. 3157 § 2 (part), 1993).

22.86.030 Designating conditions for issuance. In granting any adjustment or variance under the provision of this section, the zoning administrator shall designate such conditions in connection therewith as will, in his opinion, secure substantially the objectives of the regulation or provision to which such adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare. In all cases in which adjustments or variances are granted under the provisions of this section, the zoning administrator shall require such evidence and guarantees as he may deem to be necessary that the conditions designated in connection therewith are being and will be complied with. (Ord. 2597 § 6 (part), 1981: Ord. 971 (part), 1958: Ord. 687, 1954: Ord. 264 § 19 (part), 1938).

22.86.040 Appeals. Any person aggrieved by a determination, interpretation, decision, conclusion, decree, judgment or similar relative to this chapter may appeal such action as provided in Chapter 22.89, Appeals. (Ord. 3157 § 2 (part), 1993: Ord. 2597 § 6 (part), 1981: Ord. 971 (part), 1958: Ord. 264 § 19 (part), 1938).

22.86.060 Planning commission to interpret chapter. The planning commission shall have power to decide any questions involving the interpretation of any provision of this chapter. (Ord. 2597 § 6 (part), 1981: Ord. 971 (part), 1958: Ord. 264 § 19 (part), 1938).

22.86.070 Vesting, extensions of approval. A variance approval shall be vested within two years from the effective date of approval, unless a different expiration date is stipulated at the time of approval. As used in this section, vesting a variance means: (1) securing a valid building permit and/or other permits related to the approval, and (2) substantial completion of improvements in accordance with the secured building permit and/or other permits. Prior to the expiration of the vesting period, the applicant may apply to the zoning administrator for an extension up to a maximum period of four years from the original date of expiration. The zoning administrator may make minor modifications to the approved variance at the time of extension if it is found that there has been a substantial change in the factual circumstances surrounding the original approval. (Ord. 3157 § 2 (part), 1993: Ord. 2597 § 6 (part), 1981).

Chapter 22.88

USE PERMITS*

Sections:

22.88.010 Reasons for issuance. The zoning administrator, subject to appeal in each case as hereinafter provided, shall have power to issue use permits for any of the following reasons:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this title;

2. Public utility or public service uses or public buildings or public dumps in any district when found to be necessary for the public health, safety, convenience or welfare;

3. To classify as a conforming use any use permitted in C-2 districts, but not in more restricted districts which use is existing at the time of the adoption of the ordinance codified in this chapter as a nonconforming use in a C-1 district;

4. To classify as a conforming use any institutional use existing in any district at the time of the establishment of such district;

5. To permit the location of any of the following uses in a district from which they are excluded by the provisions of this title: housing for low and moderate income persons, library, community center, church, hospital, any institution of an educational, philanthropic, or charitable nature, cemetery, crematory, mausoleum or any other place for the disposal of the human dead;

6. To permit the location of a temporary tract office, within a given subdivision, in a district from which it is excluded by the provisions of this title, used exclusively for the sale of the properties of the given subdivision;

7. To permit the development of the following recreational uses and certain accessory uses as enumerated in a district from which they are excluded by the provisions of this title which must be proven to be incidental and subordinate to the main recreational use and which will not be objectionable by reasons of smoke, odor, dust, noise, and after it has been established that such uses will not in any way detract from the privacy or the harmonious development of the contiguous areas:

* Prior ordinance history: Ords. 264, 302, 463, 753, 971, 1642, 1719, 1844, 1850 and 2409.

a. Airparks and accessory uses to include: restaurants, concessions for the sale of oil, gas, plane repair parts, plane accessories, and airplanes; and repair shops and the rental of hangar space,

b. Boat and yacht harbors and accessory uses to include: restaurants, concessions for the sale of oil, gas, boat repair parts, boat accessories, and boats, and boat repair shops and the rental of berthing space.

c. Swimming and/or picnicking parks and/or fishing grounds and accessory uses to include: refreshment stands, the sale and/or rental of supplies and accessories necessary for the fulfillment and participation in any of the above-enumerated recreational uses,

d. Golf courses and/or tennis courts and accessory uses to include: refreshment stands, the sale and/or rental of supplies and accessories necessary for the fulfillment and participation in either of the above-enumerated recreational uses,

e. Any continuation of the above uses and other recreational uses and accessory uses which in the opinion of the zoning administrator are of the same general nature as those enumerated above, and accessory uses which are found to be an integral part of any recreational use permitted and are found to be not detrimental to the character social and economic stability or the health, safety, comfort, convenience and welfare of the community.

8. To permit floating home marinas of not more than one floating home per lot in all districts where residential uses are permitted, provided that the floating home marina meets all the dimensional requirements of the particular district;

9. To permit detached accessory structures, solar panels, hot tubs and related decking and above grade swimming pools where such structures do not comply with required setbacks in the specific zoning district in which said improvements are proposed;

10. To permit the temporary placement and use of a mobile home in a residential or agricultural district from which mobile homes are excluded by the provisions of this title. Such a use permit shall allow placement and use of a mobile home on a parcel of land while a residence is being constructed on that parcel of land.

11. To permit the construction of wind energy conversions systems (WECS), subject to the provisions of this chapter and the standards and requirements of Chapter 22.71. (Ord. 2794 § 5, 1983; Ord. 2597 § 7 (part), 1981).

22.88.015 Application for use permit. Application for any use permit permissible under the provisions of this chapter shall be made to the zoning administrator in the form of a written application, together with the appropriate fee and required drawings and materials. (Ord. 2597 § 7 (part), 1981).

22.88.020 Action on application. All use permit applications shall be processed as follows:

1. All use permits, permissible under the provisions of this title, shall require a public hearing by the zoning administrator. However, where the zoning administrator finds that significant policy questions are at issue, the zoning administrator may refer the application to the planning commission for initial action. The planning commission shall also act as the appeal body in all use permit actions taken by the zoning administrator. The board of supervisors shall act as the appeal body in all use permit actions taken by the planning commission.

2. Notice of Hearing Date. At least ten days prior to the hearing, a public notice of the hearing on the use permit application shall be mailed to all persons whose names and addresses are shown on the latest equalized assessment roll of the county as owners of real property within a distance of three hundred feet of the property which is the subject of the proposed use permit. The notice must include the date, time, and place of the hearing, the identity of the hearing body or officer, and a general location and description of the use permit to be considered. In addition, the notice shall either be:

a. Published in at least one local newspaper of general circulation at least ten days prior to the hearing; or

b. Posted in at least three local public places in the area directly affected by the proposed use permit.

3. For the zoning administrator, planning commission, or board of supervisors to grant a use permit, it shall be necessary that the following finding be made:

The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

4. The filing date of an application for use permit shall be the date on which the planning director deems the application submittal to be complete. The initial action taken by the zoning administrator or planning commission on a use permit application shall be made within sixty days after the filing date of an application, or within a longer period as may be agreed upon between the applicant and the zoning administrator. (Ord. 3157 § 2 (part), 1993: Ord. 3108 § 2 (part), 1992: Ord. 2597 § 7 (part), 1981).

22.88.025 Designating conditions for issuance. In granting any use permit under the provisions of this chapter, the zoning administrator shall designate such conditions in connection therewith as will, in his opinion, secure substantially the objectives of the regulation or provision under which such use permit is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare. In all cases in which use permits are granted under the provisions of this chapter, the zoning administrator shall require such evidence and guarantees as he may deem to be necessary that the conditions designated

in connection therewith are being and will be complied with. (Ord. 2597 § 7 (part), 1981).

22.88.030 Appeals. Any person aggrieved by a determination, interpretation, decision, conclusion, decree, judgment or similar action relative to this chapter may appeal such action as provided in Chapter 22.89, Appeals. (Ord. 3157 § 2 (part), 1993: Ord. 2597 § 7 (part), 1981).

22.88.040 Revocation of permits upon violation. In the event any person, firm or corporation holding a use permit for any of the uses or purposes for which the permits are required or permitted by the terms of this title violates any of the provisions of this title, or any other law or ordinances, or conducts or carries on the use in such manner as to materially affect adversely the health, welfare or safety of persons residing or working in the neighborhood of the property of the permittee, or conducts or carries on the use so that the use is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the board of supervisors shall have the power to revoke or suspend the use permit. (Ord. 2597 § 7 (part), 1981).

22.88.045 Procedure for revoking. No permit shall be revoked or suspended until a hearing shall be held by the planning commission. Written notice of the hearing shall be served upon the permittee and shall state:

1. The ground for complaint or reasons for the revocation or suspension in clear and concise language;

2. The time when and the place where the hearing is to be held. The notice shall be served on the permittee at least five and not more than ten days prior to the date set for the hearing. At the hearing the permittee shall be given an opportunity to be heard and defend himself, and he may call witnesses and present evidence in his behalf. Upon conclusion of the hearing, the planning commission may recommend the suspension or revocation of the permit upon such terms and conditions as, in the judgment of the commission, will be deemed proper, which action shall be subject to the confirmation of the board of supervisors. In case the permit is revoked, no new permit shall be granted to the person to conduct or carry on any such use within six months after revocation. (Ord. 2597 § 7 (part), 1981).

22.88.050 Vesting, extensions of approval. A use permit approval shall be vested within two years from the effective date of approval, unless a different expiration date is stipulated at the time of approval. As used in this section, vesting a use permit approval means: (1) securing a valid business license, building permit and/or other permits related to the approval; and (2) substantial completion of improvements in accordance with the secured business license, building permit and/or other permits. If conditions of approval for a use permit do not stipulate an expiration date for the term of a use permit, the use permit shall expire two years from the effective date of approval, unless

a different expiration date is stipulated at the time of approval. Prior to either expiration of the vesting period or the term of a use permit approval, an applicant may apply to the zoning administrator or an extension. The vesting period may be extended for a maximum of four years from the original vesting period. The zoning administrator may make minor modifications to the approved use permit at the time of extension if it is found that there has been a substantial change in the factual circumstances surrounding the original approval. (Ord. 3157 § 2 (part), 1993: Ord. 2597 § 7 (part), 1981).

Chapter 22.89

APPEALS

Sections:

22.89.020 Applicability. This chapter shall apply to all chapters in Title 22 except those wherein alternative appeal procedures are specified. (Ord. 1719 § 16, 1969: Ord. 1593 § 1 (part), 1967).

22.89.040 Administrative actions appealable. Any person aggrieved by any determination, interpretation, decision, conclusion, decree, judgment or similar action taken by any administrative personnel under the provisions of this title may appeal the action to the planning commission. (Ord. 1593 § 1 (part), 1967).

22.89.050 Zoning administrator actions appealable. Actions by the zoning administrator may be appealed to the planning commission. (Ord. 3157 § 2 (part), 1993: Ord. 1992 § 3, 1973).

22.89.060 Planning commission action appealable. Actions or appellate determinations of the planning commission may be appealed to the board of supervisors. (Ord. 1593 § 1 (part), 1967).

22.89.080 Filing. Appeals shall be addressed to the appellate body, in writing, and shall state the basis of the appeal. Appeals shall be filed in the office of the appellate body not later than five p.m. of the fifth working day following the date of the action from which an appeal is taken. Appeals shall be accompanied by the filing fee as specified in Section 22.92.020. (Ord. 1593 § 1 (part), 1967).

22.89.100 Notice of hearing. At least ten days prior to the hearing, a public notice of the appeal shall be mailed to all persons whose names and addresses are shown on the latest equalized assessment roll of the county as owners of real property within a distance of three hundred feet of the property which is the subject of the appeal. The notice must include the date, time, and place of the hearing, the identity of the hearing body or officer, and a general location and description of the appeal to be considered. In addition, the notice shall either be:

1. Published in at least one local newspaper of general circulation at least 10 days prior to the hearing; or
2. Posted in at least three local public places in the area of the property which is the subject of the appeal. (Ord. 3157 § 2 (part), 1993: Ord. 1593 § 1 (part), 1967).

22.89.120 Planning commission decision—Time limit—Vote. The planning commission shall determine an appeal no later than its fourth regular meeting following the date on which the appeal was filed. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the commission. (Ord. 3108 § 2 (part), 1992: Ord. 1593 § 1 (part), 1967).

22.89.130 Board of supervisors' decision—Time limit—Vote. The board of supervisors shall determine an appeal no later than its sixth regular meeting following the date on which the appeal was filed. The action, or appellate determination, from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the board. (Ord. 3108 § 2 (part), 1992: Ord. 1593 § 1 (part), 1967).

22.89.135 Completeness appeals—Time limit. Notwithstanding applicable time limits on appeals pursuant to Sections 22.89.120 and 22.89.130, if a final determination on a completeness appeal is not made within sixty days after an appeal is filed, an application shall be deemed complete. (Ord. 3157 § 2 (part), 1993).

22.89.140 Failure of appellate body to act. Failure of the appellate body to act within the time specified shall sustain the action, or the appellate determination, being appealed. (Ord. 1593 § 1 (part), 1967).

22.89.150 Exhaustion of remedy. All rights of appeal are exhausted when the proceedings set forth herein have been consummated. (Ord. 1593 § 1 (part), 1967).

22.89.160 Board of supervisors' action. Notwithstanding any provision of this chapter, any matter which must ultimately be decided and/or enacted by the board of supervisors shall not be subject to the right of appeal set forth herein. (Ord. 2075 § 1, 1974).

Chapter 22.90

AMENDMENTS

Sections:

22.90.010 Initiation of amendments. This title may be amended by changing the boundaries of districts or by changing any other provision hereof whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure specified in this section. Any such amendment may be initiated by:

(a) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the planning commission;

(b) Resolution of intention of the board of supervisors;

(c) Resolution of intention of the planning commission;

(d) Setting of hearing before the planning commission at the direction of the planning director. (Ord. 2137 § 1, 1975: Ord. 878, 1957: Ord. 264 § 21 (part), 1938).

22.90.020 Hearing required. The planning commission shall hold at least one public hearing on a proposed amendment. The time and place for the public hearing shall be set by the planning commission or the secretary of the planning commission not later than the third meeting following the filing of the petition. (Ord. 1680 § 7, 1968: Ord. 1601 § 1, 1967: Ord. 264 § 21 (part), 1938).

22.90.025 Notice of hearing. At least ten days prior to the hearing, a public notice of the date, time, and place of the hearing, the identity of the hearing body, and a general location and description of the amendment to be considered shall be given in the following manner:

1. For a proposed text amendment to this title, the notice of the amendment shall be published by placing a display advertisement of at least one-eighth page in at least one local newspaper of general circulation.

2. If a proposed amendment would change a property or properties from one zoning district to another (a rezoning), the notices shall be mailed to all persons whose names and addresses are shown on the latest equalized assessment roll of the county as owners of real property within a distance of three hundred feet of the property or properties subject to the rezoning. In addition, the notice shall either be:

a. Published in at least one local newspaper of general circulation at least ten days prior to the hearing; or

b. Posted in at least three local public places in the area of the property which is the subject of the appeal. (Ord. 3157 § 2 (part), 1993: Ord. 1601 § 2, 1967).

22.90.030 Report of findings. Following the aforesaid hearings, the planning commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the board of supervisors an attested copy of the report within ninety days after the date of the meeting at which the commission sets the times and places for the hearings; provided, however, that the board of supervisors may extend the period of ninety days to such longer period or periods as the board may deem to be necessary for the planning commission to give adequate consideration to the proposed amendment. Failure of the planning commission so to report within ninety days, or such longer period as aforesaid, shall be deemed to be approval of the proposed amendment by the planning commission. (Ord. 264 § 21 (part), 1938).

22.90.040 Approval procedure. Upon receipt of the report from the planning commission, or upon the expiration of ninety days or a longer period, as aforesaid, the board of supervisors, or, as the board may direct by resolution, the clerk of the board shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law. After the conclusion of the hearing, the board of supervisors may adopt the amendment or any part thereof set forth in the petition or in the resolution of intention in such form as the board may deem to be advisable; provided, however, that if the proceedings for amendment of the title were commenced by a petition filed pursuant to subsection (a) of Section 22.90.010, and the report of the planning commission recommends denial of the petition, the proceedings shall terminate upon the filing of the report with the board of supervisors and no further hearings need be held unless within thirty days after the filing of the report the petitioner files with the board of supervisors a written appeal of the report of the planning commission. In case of appeal, the board of supervisors shall hold the hearing provided for in this paragraph. (Ord. 2179 § 1, 1975 Ord. 872 (part), 1957: Ord. 264 § 21 (part), 1938).

22.90.050 Abandonment of proceedings. Upon consent of the planning commission, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The board of supervisors or the planning commission, as the case may be, may by resolution abandon any proceedings for an amendment initiated by its own resolution of intention or by the planning director; provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held. (Ord. 2137 § 2, 1975: Ord. 264 § 21 (part), 1938).

22.90.060 District changes. Any procedure to amend this title by changing the district or districts shall be considered a procedure to combine with the district or districts any of the combining regulations as established

under Section 22.08.020; provided that all notices of hearings held in connection with the procedure shall give notice of such fact. (Ord. 1053 (part), 1959: Ord. 264 § 21 (part), 1938).

Chapter 22.92

APPLICATIONS AND PETITIONS

Sections:

22.92.010 Form and verification of applications and petitions. The planning commission shall in its rules prescribe the form and scope of all petitions and applications provided for in this title, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for a permanent record. Any petition for an adjustment or variance as provided in Chapter 22.86, or for a use permit as provided in Chapter 22.88, or for an amendment as provided in Chapter 22.90, shall include a verification by at least one of the petitioners, attesting to the truth and correctness of all facts and maps presented with the petition. Verification shall be dated and attested before a notary public or before the county clerk. (Ord. 264 § 22 (part), 1938).

22.92.020 Fee schedule. A filing fee in the amount specified in the board of supervisors' resolution establishing fees for zoning applications and petitions shall be paid at the time the application or petition is filed. In the event that any work has been undertaken or use made of the property without legal authority prior to completing the requisite procedures necessary to authorize such work, the applicant shall pay double the specified amount. (Ord. 2354 § 1, 1978 Ord. 2161 § 1, 1975: Ord. 1940 § 4, 1972: Ord. 1719 § 17, 1969: Ord. 1665 § 1, 1968: Ord. 1611 (part), 1967: Ord. 1585 (part), 1967: Ord. 1562 (part), 1967: Ord. 1535 (part), 1966: Ord. 997 (part), 1958: Ord. 849 (part), 1956: Ord. 264 § 22 (part), 1938).

22.92.030 Time limitations of filing applications and petitions. Whenever an application for an amendment to this title or for an adjustment, variance or use permit has been denied, no new application for the same relief covering all or any portion of the property involved in the original application shall be received by the planning commission or zoning administrator for a period of two years from the effective date of the final denial of the original application; provided, however, that upon a showing of a substantial change of circumstances, the planning commission or zoning

administrator may permit the filing of a new application prior to the expiration of the two-year period. Nothing contained herein shall prevent the board of supervisors or the planning commission from at any time initiating any proceedings which either of the bodies may initiate pursuant to this title. (Ord. 971 (part), 1958: Ord. 894 (part), 1957: Ord. 264 § 22.1, 1938).

Chapter 22.94

F-1 PRIMARY FLOODWAY DISTRICT

Sections:

22.94.000 Findings. This board of supervisors finds that improvement of, and construction on, floodplains has caused serious flooding with attendant injury to person and property and has necessitated the construction of expensive and sometimes ecologically deleterious flood control works, largely at the general taxpayer's expense. (Ord. 1930 § 1 (part), 1972).

22.94.010 Purpose and scope. The purpose of these regulations is to insure that life and property will be protected within the designated zone and to prevent increased flooding within the zone due to random and uncontrolled development which will impede passage of ultimate floodwaters.

The F-1 district classification shall apply to those lands within a primary floodway zone, which, for the purposes of this chapter, shall be defined as the channel of a watercourse and that portion of the adjoining floodplain which is reasonably required to provide for the passage of floodwaters of the watercourse effectively. (Ord. 1930 § 1 (part), 1972).

22.94.020 Prohibited uses. No buildings or structures shall be constructed within an F-1 district. No dredging, filling or levee or dike construction shall be permitted in an F-1 district if it will tend to increase the water surface level or impede the flow of water in the F-1 district. (Ord. 1930 § 1 (part), 1972).

22.94.030 Permitted uses. Actual uses existing at the time of the adoption of an F-1 district for a specific area shall be permitted and shall be treated as nonconforming uses according to Chapter 22.78 of this code. Nothing herein shall prohibit placing one floating boat dock on each existing parcel of property shown on the assessor's records at the time of adoption of the F-1 district. (Ord. 1930 § 1 (part), 1972).

Chapter 22.95

F-2 SECONDARY FLOODWAY DISTRICT

Sections:

22.95.010 Purpose and scope. The purpose of these regulations is to insure that life and property will be protected within the designated zone and to prevent increased flooding within the zone due to random and uncontrolled development which will impede the capacity of secondary floodplains to receive overflow floodwaters.

The F-2 district classification shall apply to those lands lying within the secondary floodway zone, which for the purposes of this chapter shall be defined as the portion of a natural floodway between the limits of the primary floodway zone, defined in Section 22.94.010 of this code, and the limits of the floodplain where inundation may occur, but where depths and velocities are generally low. (Ord. 1930 § 2 (part), 1972).

22.95.020 Permitted uses. Those uses authorized by other zoning classifications imposed on lands within an F-2 district shall be permitted within the district, subject to the restrictions contained herein. (Ord. 1930 § 2 (part), 1972).

22.95.030 Restrictions. (a) No buildings or structures shall be constructed within an F-2 district, nor shall any levecing, diking, filling or other activity which would reduce the ponding area and capacity of any parcel of land within an F-2 district be permitted, except within a specified encroachment area, or up to a specified percentage of the ponding capacity of each parcel, as shown on the assessor's records provided that the remaining area of each parcel is held as a ponding area to absorb the overflow of the primary floodway. The specified encroachment area or percentage of the ponding capacity shall be designated at the time of the adoption of an F-2 district for a specific area.

(b) Prior to the performance of any activities on the specified

encroachment area or specified percentage of the ponding capacity, an agreement shall be entered into between the landowner and the county, the Marin County flood control and water conservation district, or other appropriate public agency. The agreement shall include the following provisions:

(1) That the remaining area or percentage of the parcel shall be subject to ponding and overflow;

(2) Lands within any F-1 district included in the property involved shall be dedicated to the county, the Marin County flood control and water conservation district or other appropriate public agency;

(3) Drainage improvements which will enable the remaining area or percentage to serve as a ponding and overflow area shall be constructed by the landowner;

(4) A bond may be required to guarantee performance of the agreement by the landowner;

(5) Other provisions reasonably required to fulfill the purposes of Chapters 22.94 and 22.95.

(c) Full use of the entire remaining area of each individual parcel shall be permitted at such time as both of the following conditions are met:

(1) Ultimate flood control channel improvements are constructed through the parcel or parcels being developed; and

(2) The ultimate flood control channel section is constructed from the parcel to be developed, downstream to the mouth of the primary floodway.

Ultimate flood control channel improvements shall be indicated in the ordinance adopting an F-2 district for a specific area.

Subject to the review and approval of the Marin County flood control and water conservation district or other appropriate agency, alternate methods of providing flood control facilities which are equal in capacity to that of the ultimate flood control channel improvements as mentioned above, may be permitted by the county in lieu of the ultimate improvements. (Ord. 1930 § 2 (part), 1972).

Chapter 22.96

RESIDENTIAL DEVELOPMENT REVIEW

Sections:

22.96.010 Findings. The board of supervisors of the county of Marin finds and determines:

(a) Marin County has adopted a comprehensive general plan which is a highly sophisticated approach to resolution of the extraordinary complexities of suburban growth.

(b) Unregulated capricious development has caused in the past, and unless controlled in the future, will cause, severe and irremediable injury to Marin County and its environment in that:

(1) It has resulted in a severe shortage of housing for citizens of low and moderate income and sorely limited the economic heterogeneity of the population.

(2) It has wastefully compelled construction of public facilities on a crisis basis.

(3) It has sorely overtaxed municipal service districts resulting in numerous water and sewerage moratoriums.

(4) It has occasioned costs to the taxpayers far in excess of tax gains.

(5) It has engendered public skepticism concerning the ability of local governments to protect Marin's environment adequately.

(c) Standard zoning ordinances alone cannot provide the delicate types of development review procedures which will ensure a high level of environmental protection, construction of low and moderate cost housing, sequential orderly development and other goals set forth in the countywide general plan.

(d) There exist within Marin logical and readily identifiable planning areas which include both incorporated and unincorporated areas, but which must be precisely regulated by joint action of the county and the affected cities to insure coordinated compliance with the general plan.

(e) At the present time in Marin, there are numerous inadequate water and sewage systems, serious overcrowding on public transit facilities, extensive highway congestion, severe flooding and seismic hazards of indeterminate scope, all of which sorely limit the ability of the county and cities to accommodate unpaced burgeoning growth.

(f) The county, numerous cities, and special districts are diligently endeavoring to alleviate the serious problems set forth in subsection (e) and will be able to resolve them only, when essential, if growth can be properly and effectively staged in a manner which will not overextend existing community facilities and allow some respite to bring deficient services up to necessary standards.

(g) It would be highly detrimental to the welfare of Marin County and its environs to exclude, intentionally or inadvertently, minority, poor, or aged citizens from the general populace of Marin County. The only effective means to prevent such exclusion is the provision of ample low and moderate income housing. Significant federal subsidies are presently unavailable and traditional zoning has been ineffective in this regard. Although Marin is actively engaged in numerous efforts to encourage and compel construction of low and moderate cost housing, only through development review, one of the principal purposes of which is achievement of this objective, is there any likelihood of securing such housing.

(h) The public welfare requires the establishment of residential development review boards to accomplish the following:

(1) Provide significant incentives which will encourage developers to include low and moderate income housing in their undertakings;

(2) Prevent premature development in the absence of necessary utilities and municipal services;

(3) Insure that development will not exceed the environmental holding capacity of the specific land and the county generally;

(4) Coordinate city and county planning and land regulation in a manner consistent with the countywide plan and local city general plans;

(5) Facilitate and implement the realization of general plan goals which cannot be accomplished by zoning alone, principally in connection with low and moderate cost housing;

(6) Direct growth in a manner which will insure a proper relationship to community needs and capabilities;

(7) Encourage and facilitate development proposals which accomplish the objectives of the countywide general plan. (Ord. 2158 § 1 (part), 1975).

22.96.020 Establishment of residential development review areas. The provisions of this chapter shall apply only in those areas of the county designated as residential development review areas, in the following manner:

(a) The board of supervisors shall, by resolution, declare its intention to establish a residential development review area or areas encompassing any portion of Marin County. The resolution shall set out, describe and designate the proposed area or areas and shall contain a map thereof.

(b) Certified copies of the resolution shall be forwarded to each city included in the area.

(c) The county planning commission and, if a city elects to proceed, its planning commission shall conduct public hearings on said proposal in the manner provided by law for the adoption of general plans. At the conclusion of said hearings, the planning commissions shall forward their respective findings and recommendations to their governing bodies.

(d) If the city council elects to proceed, it shall adopt an appropriate ordinance creating the area, which shall include at a minimum all of its incorporated area, and imposing the restrictions of this chapter within said area, contingent upon action by the board of supervisors.

(e) If establishment of the area is approved by all included cities, the board of supervisors shall, after proper notice, conduct public hearings thereon, and may, at the conclusion of said hearings, declare the establishment of the area.

(f) Thereafter, the board of supervisors and the city councils shall enter into a joint powers agreement providing for the administration of these provisions within the residential development review area. (Ord. 2419 § 1 (1), 1979; Ord. 2158 § 1 (part), 1975).

22.96.030 Application of residential development review process. Unless a project is included in the list of exemptions contained in Section 22.96-.035, no residential building permit shall be issued nor final subdivision map recorded for residential projects, and no final approval for placement of a mobile home shall be granted within an established residential development review area unless said project has received approval from the residential development review board. (Ord. 2419 § 1 (2), 1979).

22.96.035 Exemptions. The following projects are exempt from the provisions of this chapter:

(a) Construction of a single-family residence on a lot legally in existence before the effective date of the establishment of a residential development review area;

(b) Housing constructed under Article 34 of the California State Constitution;

(c) Rehabilitation of an existing dwelling or conversion of apartments to condominiums, as long as no additional dwelling units are created;

(d) Any other specific type of residential projects as set forth in the

joint powers agreement for the applicable residential development review area. (Ord. 2419 § 1 (3), 1979: Ord. 2158 § 1 (part), 1975).

22.96.040 Residential development review board. Each residential development review area shall have a residential development review board. The review board shall be constituted in the manner set forth in the joint powers agreement authorized by Section 22.96.020(f). (Ord. 2419 § 1 (4), 1979: Ord. 2158 § 1 (part), 1975).

22.96.050 Meetings. The board shall meet three times each year, at four-month intervals, upon such dates as may be specified in the joint powers agreement. (Ord. 2158 § 1 (part), 1975).

22.96.060 Development proposals. Applications may not be submitted until the applicant has received each and every approval, other than allocating awards, requisite to the actual application for a building permit or placement of a mobile home, or in the case of bare land subdivisions, an application may not be submitted until the tentative map has been approved. The board shall consider any residential development proposal for which an application to the review board has been submitted at least three weeks prior to the scheduled date upon which the review board will meet. Proposals denied by the review board shall be considered at the next meeting of the board (unless the applicant requests a delay) up to a maximum of two times for each proposal. (Ord. 2419 § 1 (5), 1979: Ord. 2158 § 1 (part), 1975).

22.96.070 Staff. The planning staff of the county and cities shall serve as the staff of the board and shall provide necessary services in accordance with the joint powers agreement between the parties. In the discharge of the duties specified in this chapter, the staff shall consult with all involved utility districts on a regular basis. (Ord. 2158 § 1 (part), 1975).

22.96.080 Rating. All proposals shall be preliminarily rated by the review board's staff in accordance with the criteria set forth in Section 22.96.100. The developer shall be furnished with a copy of the preliminary rating prior to the hearing. (Ord. 2409 § 1 (6), 1979: Ord. 2158 § 1 (part), 1975).

22.96.090 Hearings. The review board shall conduct a separate hearing on each proposal for which approval is requested. The sole issue at said

hearing shall be the rating of the project. The board shall have no authority to modify or remand an application.

All hearings shall be public. The developer and all interested persons shall be entitled to appear, testify and present evidence.

At the conclusion of the hearing, the board shall render a decision rating the project on the basis of each criterion set forth in Section 22.96.110. (Ord. 2409 § 1 (7), 1979: Ord. 2158 § 1 (part), 1975).

22.96.100 Criteria. Specific rating criteria shall be set forth in the joint powers agreement for each residential development review area based upon the findings in Section 22.96.010 and the applicable countywide and city general plan policies for the review area. These criteria shall be divided into the following ca.egories:

(1) Provision for law and moderate income housing;
(2) Evironmental quality;
(3) Public services and project design.

Ratings under these criteria shall be calculated strictly in accordance with the amplification of criteria contained in the joint powers agreement.

If the project involves the division of land only, it shall be rated solely in accordance with criteria for environmental quality and public services. For the purposes of comparing such projects with actual development proposals, the raw score shall be multiplied by a factor which would make possible a total score equal to the maximum points possible if all categories are considered. (Ord. 2419 § 1 (8), 1979: Ord. 2158 § 1 (part), 1975).

22.96.110 Approvals. When all rating hearings are completed, the review board shall determine, solely on the basis of numerical ratings, and the number of units to be allowed in accordance with Section 22.96.130, which projects are eligible for approval. Those projects whose ratings do not qualify them for approval shall be denied without prejudice to the applicant's ability to reapply. (Ord. 2419 § 1 (9), 1979: Ord. 2158 § 1 (part), 1975).

22.96.120 Allocation time limit. The grant of an allocation award shall entitle the applicant to seek final map approval in the case of bare land subdivisions. If the city council or board of supervisors find after a noticed public hearing that the applicant or his successor in interest has failed to commence work in a substantial manner on the project's improvements (the buildings) within twenty-four months of the date of publication of the project's issuance of allocation awards, such allocation award shall be revoked as shall the building permit issued as a result thereof.

The board's staff shall make periodic checks for the purpose of advising the city council or board of supervisors of the need for consideration of revocation. In the case of bare land subdivisions, commencement of work on the subdivision improvements shall serve in lieu of commencement of work on buildings. (Ord. 2419 § 1 (10), 1979: Ord. 2158 § 1 (part), 1975).

22.96.130 Number of approvals. Each year the board of supervisors and city council (or their delegate members, subject to ratification by each body) shall meet in joint session on a date specified in accordance with procedures contained in the joint powers agreement to determine the number of residential units which can be approved during the subsequent year.

These determinations shall be based upon:

(a) Any specific criteria set forth in the joint powers agreement for the residential development review area.

(b) The countywide and applicable local general plans;

(c) The number of units approved and constructed in prior years;

(d) Availability of utilities and public services;

(e) The goals, purposes and objectives contained in Section 22.96.010;

(f) The current availability of low and moderate cost housing.

Representatives of all utility districts and companies located within the review area shall be invited to the meeting and may participate in the deliberations in all respects except voting. (Ord. 2419 § 1 (11), 1979: Ord. 2158 § 1 (part), 1975).

22.96.135 Allocations for each four-month period. The allocation of units for each four-month period shall be specified at the time the annual number is set. If the number of approved units falls below the four-month allocation for one session, the difference shall be carried over to the next four-month allocation, until the final session of the year.

In order to provide flexibility and practicality in carrying out the intent of this chapter, the growth target for any four-month period may be exceeded by as much as ten percent. If a project must use this excess allowance to secure approval, at least sixty-seven percent of the total project must be within the growth target available at that review meeting. This excess allowance shall then be deducted from the unit allocation for the next review period. (Ord. 2419 § 1 (12), 1979: Ord. 2158 § 1 (part), 1975).

22.96.140 Staged projects. If a developer so requests, a project may be considered in stages, or phases, but rated as a whole. Such a request must include a phasing plan specifying the number of units to be built in the first phase and during subsequent review periods. All approvals, as specified in Section 22.96.060 of this chapter must have been obtained for all phases of the project.

The phasing plan will be subject to approval of the review board at the same time the project is rated. If the rating for the project is sufficient to obtain an allocation award for the initial phase, and the phasing plan is approved, then subsequent phases shall be deemed denied. However, if such subsequent phases are resubmitted in accordance with the approved phasing plan, they shall be given priority for allocating awards over all nonphased projects, regardless of rating. If the total of units in resubmitted phases for any meeting exceeds the number of units for which allocation awards may

be issued for that meeting, all such resubmitted phases shall be reduced by an equal percentage necessary to reduce the aggregate number of the allowable number of units.

Failure to resubmit pursuant to the approved phasing plan shall be deemed a revocation of the rating previously given to the entire project, and those portions of the project which have not received allocation awards will no longer be eligible for resubmission under this section. Any changes to the phasing plan must be submitted at least three weeks prior to the review board meeting and approved by the board. (Ord. 2419 § 1 (13), 1979: Ord. 2158 § 1 (part), 1975).

22.96.150 Mandatory approval. If the number of units in projects pending action by the board is less than the number of units to be allowed pursuant to Section 22.96.130, the board shall issue approvals for all of such units. (Ord. 2158 § 1 (part), 1975).

22.96.160 Judicial review. Any legal action to challenge any decision, procedure, approval or denial of the residential development review board must be filed in a court of competent jurisdictions within thirty days after the action challenged. (Ord. 2158 § 1 (part), 1975).

Chapter 2.97

PROVISION FOR LOW AND MODERATE INCOME HOUSING

Sections:

22.97.000 Findings. The county finds that the citizens of the county are experiencing a housing shortage for low and moderate income households. A goal of the county is to achieve a balanced community with housing available for households of a range of income levels. Increasingly, persons with low and moderate incomes who work and/or live within the county are unable to locate housing at prices they can afford and are increasingly excluded from living in the county. Federal and state housing subsidy programs are not sufficient by themselves to satisfy the housing needs of low and moderate income households. The county finds that the high cost of newly constructed housing does not, to any appreciable extent, provide housing affordable by low and moderate income households, and that continued new development which does not include lower cost housing will serve to further aggravate the current housing shortage by reducing the supply of developable land. The county further finds that the housing shortage for persons of low and moderate incomes is detrimental to the public health, safety and welfare, and further that it is a public policy of the state of California as mandated by the requirements for a housing element of the countywide plan, to make available an adequate supply of housing for persons of all economic segments of the community. (Ord. 2572 § 1 (part), 1980).

22.97.010 Purpose. The purpose of this chapter is to enhance the public welfare and assure that further housing development contributes to the attainment of these housing goals by increasing the production of units affordable by households of low and moderate income, and additionally stimulating funds for development of low income housing. A limited and finite amount of land remains for development of housing in the urban areas of the county. In order to assure that the remaining developable land is utilized in a manner consistent with the county housing policies and needs, the county declares that ten percent of the total number of units of all new developments containing ten or more units shall be affordable by households of low or moderate income. (Ord. 3027 § 2 (part), 1990: Ord. 2572 § 1 (part), 1980).

22.97.020 Definitions. For the purposes of this chapter, certain words and phrases shall be interpreted as set forth in this section unless it is apparent from the context that a different meaning is intended.

(a) "Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seeks county permits and approvals.

(b) "At one location" means all adjacent land owned or controlled by the applicant, the property lines of which are contiguous at any point, or the property lines of which are separated only by a public or private street, road or other public or private right-of-way, or separated only by other land of the applicant.

(c) "Project" means a housing development at one location including all units for which permits have been applied for or approved within a twelve-month period.

(d) "Moderate, low, and very low income levels" mean those determined periodically by the U.S. Department of Housing and Urban Development based on the San Francisco-Oakland Standard Metropolitan Statistical Area (SMSA) median income levels by family size:

(1) Moderate income, eighty percent to one hundred twenty percent of the SMSA median;

(2) Low income, fifty percent to eighty percent of the SMSA median;

(3) Very low income, under fifty percent of the SMSA median.

(e) "Density bonus" means an increase in the number of units otherwise allowed for any particular parcel.

(f) "Dwelling unit" means a dwelling designed for occupancy by one household.

(g) "Housing authority" means housing authority of the county of Marin, a nonprofit public corporation.

(h) "Housing costs" means the monthly mortgage principal and interest, property taxes, homeowners insurance, and condominium fees, where applicable, for ownership units; and the monthly rent for rental units.

(i) "Housing director" means the executive director of the housing authority of the county.

(j) "HUD" means the United States Department of Housing and Urban Development or its successor.

(k) "Inclusionary unit" means an ownership or rental housing unit as required by this chapter, which is affordable by households with low or moderate income.

(l) "Income eligibility" means the gross annual household income considering household size and number of dependents, income of all wage earners, elderly or disabled family members and all other sources of household income.

(m) "In-lieu-participation fee" means a fee paid to the county by developers subject to this chapter in-lieu of providing the required inclusionary units or lots lots.

(n) "Resale controls" means legal restrictions by which the price of inclusionary units will be controlled to insure that the unit is affordable by low or moderate income county households over time.

(o) "Ecumenical association of housing" means a nonprofit organization dedicated to providing affordable housing in the county. (Ord. 2572 § 1 (part), 1980).

22.97.030 General requirements for new residential development of ten or more units. (a) Any new residential development involving ten or more parcels or dwelling units intended and designed for permanent occupancy, including but not limited to single-family dwellings, apartments, multiple dwelling structure, or group of dwellings, condominium development, townhouse development, cooperative, or land subdivisions, which is approved on or after August 8, 1980, shall be conditioned to provide ten percent of the total number of dwelling units within the development as inclusionary units affordable by moderate, low, or very low income households, or ten percent of the total number of lots in the case of land subdivisions, for the development of inclusionary units, unless the developer, in agreement with county staff, elects to make an in-lieu payment.

In applying these percentages, any decimal fraction less than or equal to 0.50 may be disregarded and any decimal fraction greater than 0.50 shall be construed as requiring one dwelling unit. The inclusionary requirement shall be imposed only once on a given development, regardless of changes in the character or ownership of the development.

(b) Any development permit for new residential construction projects of ten or more units shall have conditions attached which will assure compliance with the provisions of this chapter. Such conditions shall specify the timing of in-lieu fees and/or the construction of the inclusionary units, the number of inclusionary units at appropriate price levels, provision for income certification and screening of potential purchasers and/or renters of inclusionary units, a resale control mechanism, and, if applicable, density bonuses.

In addition the conditions shall require a written agreement to indicate the number, type, location, approximate size and construction scheduling of all dwelling units and such reasonable information as shall be required by the county for the purpose of determining the applicant's compliance with this chapter.

All inclusionary units in a project and phases of a project should be constructed concurrently with or prior to the construction of non-inclusionary units, unless extenuating circumstances exist.

(c) All inclusionary units shall be sold or rented to moderate, low or very low income households as certified by the Housing Authority.

(d) All inclusionary units shall be reasonably dispersed throughout the development where feasible, shall contain on average the same number of bedrooms as the non-inclusionary units in the development, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finished quality.

(e) The applicant shall have the option of reducing the interior amenity level of the inclusionary units provided such units conform to the requirements of county building and housing codes. The applicant shall have the option of reducing the square footage of the inclusionary units below that of large market rate units provided all units conform to the requirements of county building and housing codes.

(f) The applicant shall have the option, with the approval of the county, to transfer credit for inclusionary units constructed at one location within the unincorporated area of the county to any other location within the unincorporated area of the county to satisfy the requirements of this chapter. The inclusionary requirement may be satisfied with construction of units eighteen months prior to the approval of the project.

(g) The applicant shall, upon a finding by applicant with staff concurrence that the construction of the required inclusionary units is not feasible or appropriate as part of a larger development project, have the option to construct the inclusionary units on a site or sites not contiguous with the development.

(h) The applicant shall have the option, in a homeownership project, of constructing rental units in a number sufficient to meet the inclusionary requirements of this chapter. These rental units shall be subject to Section 22.97.050. The county shall assist the applicant in obtaining available financing and/or subsidies for such a project. (Ord. 3027 § 2 (part), 1990: Ord. 2572 § 1 (part), 1980).

22.97.050 Inclusionary unit requirements for rental developments. (a) In rental projects of ten or more units, ten percent of the units shall be inclusionary units affordable by moderate, low, or very low income households. The inclusionary rental units shall be offered at rent levels not exceeding the maximum housing unit rental price affordable by moderate income households at thirty percent of gross income. Where housing assistance rental subsidies are available, units should be made available to lower income households.

(b) The county shall contract with the housing authority to screen applicants for the inclusionary rental units, and to refer eligible households to the developer or owner. The developer or owner shall retain final discretion in the selection of the eligible households; provided, that the same rental terms and conditions (except rent levels and income) are applied to tenants of inclusionary units as are applied to all other tenants, except as required to comply with government subsidy programs.

(c) The housing authority shall be the designated authority on behalf of the county to require guarantees, to enter into recorded agreements with developers, and to take other appropriate steps necessary to assure that the required moderate income rental dwelling units are provided and that they are rented to moderate, low, or very low income households. When this has been assured to the

satisfaction of the housing authority, the director shall prepare a certification indicating that the developer has complied with the requirements of this section, and shall transmit it to the county. (Ord. 3027 § 2 (part), 1990: Ord. 2572 § 1 (part), 1980).

22.97.070 Inclusionary unit requirements for ownership for developments. (a) In ownership residential projects of ten or more units, ten percent of the units shall be inclusionary units affordable by moderate or low income households. Moderate income units shall be sold at prices affordable to a range of families earning eighty percent to one hundred twenty percent of the area median income; low income shall be affordable by households earning fifty to eighty percent of the median income. The housing unit sales prices corresponding to this income range shall be established by the county or its designee.

(b) The applicant shall be required to offer to the housing authority or a county designated party all such inclusionary units as are required by this chapter for sale to eligible purchasers for a period of not less than ninety days from the date of the county's permission to occupy. Sale and resale restrictions are removed in the event the housing authority or county designee does not complete the sale to an eligible purchaser (purchase contingent on a one percent of sales price refundable cash deposit and initiation of escrow within thirty days of submission of cash deposit) within ninety days from the date of project completion. The housing authority shall advise all prospective purchasers of the resale restriction applicable to ownership inclusionary units as specified in this chapter.

(c) The housing authority shall review the assets and income of prospective purchasers of the ownership inclusionary units on a project by project basis. The housing authority shall advertise the inclusionary units to the Marin general public. Upon notification of the availability of ownership units by the developer, the housing authority shall seek and screen qualified purchasers through a process involving applications and interviews. Where necessary, the housing authority shall hold a lottery to select purchasers. The developer/owner shall retain final approval in the selection of the qualified purchasers selected by the housing authority; provided, that the same terms and conditions (except income) are applied to purchasers of inclusionary units as are applied to all other purchasers. Preference will be given first to residents of Marin County and second to people employed in Marin County. (Ord. 3027 § 2 (part), 1990: Ord. 2572 § 1 (part), 1980).

22.97.090 Inclusionary requirements for land subdivisions developments. In land subdivisions of ten or more parcels, ten percent of the developable lots or their equivalent shall be set aside for immediate or future development of moderate, low, or very low income units. Such land may be developed by the applicant or another profit or nonprofit developer, private or public, or deeded to

the county of Marin or its designee. The units built on those parcels may be rental or owner occupied, and shall conform to the requirements set forth in the appropriate sections of this chapter. The method of providing inclusionary units from land subdivisions shall be specified in the conditions of approval of each such land subdivision. (Ord. 3027 § 2 (part), 1990: Ord. 2572 § 1 (part) 1980).

22.97.100 Eligibility requirements. (a) In establishing moderate household income, the county or its designee shall consider, among other things, the median household income data provided periodically by HUD, household size and number of dependents, and all sources of family income and assets.

(b) Every purchaser of an inclusionary dwelling unit shall certify by a form acceptable to the county that the unit is being purchased for the purchaser's primary place of residence. The housing authority shall verify this certification. Failure, by the purchaser, to maintain eligibility for homeowners property tax exemption shall be construed to mean that the inclusionary unit is not the primary place of residence of the purchaser. (Ord. 2572 § 1 (part), 1980).

22.97.120 Control of resale. (a) In order to maintain the availability of the housing units as may be constructed pursuant to the requirements of this chapter, the county shall impose the following resale conditions. The price received by the seller of an inclusionary unit shall be limited to the purchase price plus an increase based on the Bay Area Consumer Price Index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less.

(b) Homeownership inclusionary units constructed, offered for sale, or sold under the requirements of this chapter shall be offered to the housing authority or its assignee for a period of at least ninety days by the first purchaser or subsequent purchaser(s) from the date of the original sale for a price affordable to moderate income families as stipulated in this chapter. Homeownership inclusionary units shall be sold and resold from the date of the original sale only to moderate income households as determined to be eligible for inclusionary units by the housing authority according to the requirements of this chapter. The seller shall not levy or change any additional fees nor shall any "finders fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.

(c) The owners of any inclusionary unit shall attach and legally reference in the grant deed conveying title of any such inclusionary ownership unit a declaration of restrictions provided by the housing authority, stating the restrictions imposed pursuant to this chapter. The grant deed shall afford the grantor and the county the right to enforce the attached declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions as required by this chapter.

(d) The housing authority shall be given the responsibility of monitoring the resale of ownership inclusionary units. The housing authority or its assignee shall have a ninety-day option to commence purchase of ownership inclusionary units after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the county for appropriate action. (Ord. 2572 § 1 (part), 1980).

22.97.150 In-lieu participation fees. (a) In-lieu participation fees may be appropriate for particular developments not suitable for inclusionary units due to factors such as, but not limited to, location, development density, accessibility to public transportation, and environmental conditions. In such cases, the county and the applicant may agree to the contribution of in-lieu participation fees. These in-lieu fees shall be used by the county, or its designee such as a nonprofit housing development corporation for the purpose of developing affordable housing for low/very low income households elsewhere in the county.

(b) In-lieu participation fees for all residential development, including land subdivisions, shall be calculated on the basis of the difference between

the ability to pay of moderate income families (earning one hundred percent of median income) and the estimated cost of a market rate unit of appropriate size, to be determined by the county. Estimates of the cost price of a market rate unit are to be provided four times yearly by the planning director. This differential shall be multiplied by the required number of inclusionary units, that is ten percent of the total number of market rate units in the development. For the purposes of applying percentages to in-lieu fees, decimal fractions of a unit shall be used.

(c) At the option of the developer, in-lieu participation fees may be paid as proceeds from sales are received or at the time of sale of the last unit or parcel. The in-lieu fees shall constitute a lien on the property, which shall be recorded as a separate document at the recordation of the subdivision map. The in-lieu fee shall be due within twenty-four months from the date of approval of the development, regardless. The lien shall include a provision for foreclosure under power of sale if the in-lieu payment is not made within twenty-four months from the recordation of the lien, regardless of whether or not the individual lots have been sold. (Ord. 2975 § 2, 1988: Ord. 2572 § 1 (part), 1980).

22.97.160 Availability of government subsidies. It is the intent of this chapter that the requirements for inclusionary units affordable by moderate income families shall not be determined by the availability of government subsidies. This is not to preclude the use of such programs or subsidies. This chapter is also not intended to be an undue burden on the developers of residential projects. Therefore, as detailed in succeeding sections of this chapter, incentives are given to provide inclusionary units. (Ord. 2572 § 1 (part), 1980).

22.97.180 Density bonus. To avoid any undue economic burden or cost to the applicant providing inclusionary units or in-lieu fees required by the provisions of this chapter, the county shall favorably consider the applicability of an increase in density up to ten percent in the proposed residential project or land subdivision; provided, that a density bonus granted does not conflict with the goals of the countywide plan. This density bonus is exclusive of and not a substitute for the other density bonus(es). Granting of a density bonus shall be based on a project-by-project analysis and determination that such an increase in density will not be detrimental to the public health, safety and/or welfare. (Ord. 2572 § 1 (part),1980).

22.97.200 Fee waiver for inclusionary units. In the attempt to feasibly provide moderate income affordable units, the county shall waive all park dedication, school and other county fees applicable to the inclusionary units of a proposed housing development. (Ord. 2572 § 1 (part), 1980).

22.97.210 Technical assistance. In order to emphasize the importance of securing low and very low income housing as a part of this program, the

county planning department, other agencies, and/or designated consultants shall provide assistance on financial subsidy programs to applicants. The county may recommend that this be a part of the environmental review process. During individual project review, consideration shall be given to an economic analysis which will indicate the most suitable methods for the terms of this chapter to be implemented. This is to be done for the purpose of increasing the feasibility and lowering the cost of units affordable to moderate, low and very low income families. (Ord. 2572 § 1 (part), 1980).

22.97.220 Enforcement. (a) The provisions of this chaper shall apply to all agents, successors and assignees of an applicant once only for development of the site. No building permit or occupancy permit shall be issued, nor any development approval granted, which does not meet the requirements of this chapter.

(b) In addition to, or in lieu of, the provisions of subsection (a) of this section, the county shall institute injunction, mandamus, or any other appropriate legal actions or proceedings for the enforcement of this chapter.

(c) Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable for each offense by a fine of not more than five hundred dollars, or by imprisonment in the County Jail for a term not exceeding six months, or by both fine and imprisonment. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is commenced, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided. (Ord. 2572 § 1 (part), 1980).

22.97.270 Appeals. (a) Any person aggrieved by any action involving denial, suspension or revocation of a building or occupancy permit or denial, suspension or revocation of any development approval may appeal such action or determination to the planning commission, with further appeal possible to the board of supervisors.

(b) Any applicant or other person who contends that his (her) interests are adversely affected by any determination or requirement of the housing authority staff in regard to this chapter may appeal to the housing director. Further appeal recourse is open to the board of commissioners of the housing authority. The appeal shall set forth specifically wherein the action of the housing authority staff fails to conform to the provisions of this chapter thereby adversely affecting the applicant's interests. Such appeal shall be filed in duplicate in the public office of the housing authority. Subsequent appeal may be made to the board of supervisors. The board of supervisors, by resolution, may reverse or modify any determination or requirement of the housing authority if they make the finding that the action under appeal does not conform with the provisions of this chapter or to the contract between the housing authority and the county. (Ord. 2572 § 1 (part), 1980).

22.97.280 **Annual report.** The county planning department shall prepare an annual report to the board of supervisors on the status of the inclusionary units constructed under the provisions of this chapter. The report shall include the number, size, type, tenure, and general location of the inclusionary units as well as the number of resales and rental vacancy rate. The report shall provide a basis for an evaluation of the overall effectiveness of this chapter. (Ord. 2572 § 1 (part), 1980).

Chapter 22.98

RESIDENTIAL SECOND UNITS

Sections:

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* Prior ordinance history: Ordinance 2681.

22.98.000 Findings. The county finds that some citizens of the county, especially low and moderate income citizens, have difficulty finding a rental housing unit. Low vacancy rates and high rents, compared to other Bay Area counties, indicate that there is a shortage of rental units.

It is a goal of the countywide plan to achieve a balanced community with housing available for households of all sizes and income levels. Demographic changes occurring in the county are leading to the formation of increased numbers of small households (one to three persons), comprised primarily of young single people, single parents and the elderly. Many of these people cannot find rental units suitable to their needs at a rent they can afford. Also, as the local economy expands, it is necessary to provide a range of housing alternatives in order to meet the needs of the people who will be working in new jobs.

In the housing element of the countywide plan, the county has determined that it needs one thousand eighty-four rental units to be constructed in the unincorporated area between 1980 and 1990 in order to accommodate a fair share of the projected regional housing needs. Second units provide additional rental housing, some of which would be affordable to low and moderate income households. The areas designated for second units are capable of providing some of the units necessary to meet Marin's share of the regional housing needs. There are approximately thirteen thousand seven hundred single-family units in the designated areas.

In accordance with the findings in state enabling legislation for residential second units, the county finds that a portion of the housing stock is underutilized in that many houses with four or more bedrooms are occupied by only one or two people. By allowing the owner of such a house to improve it's utilization, the county has a low public cost means of meeting the county's projected housing needs.

The county finds that residential second units also provide income to homeowners, which assists them in purchasing housing. Residential second units may provide social benefits to both homeowners and tenants via companionship, exchange of services and additional guardians for the property.

The areas in which second units shall be permitted collectively have the following conditions which make them suitable for second units:

a. A sufficient number of parcels which have adequate public services and facilities, including water and sewer systems, streets of ample width, and police, fire and medical services;

b. A sufficient number of parcels without environmental hazards, such as unstable soils, or public safety hazards, such as steep, narrow, winding streets;

c. A sufficient number of parcels which meet county zoning codes, including having adequate space for off-street parking;

d. A sufficient number of parcels which do not have any private conditions, covenants and restrictions (C, C, & R's) or tax assessment obligations

which would limit or prohibit the development of second units.

Therefore, the county finds it necessary, for the health, safety and welfare of its residents, to permit residential second units in the single-family residential zones designated in Section 22.98.020. (Ord. 2935 § 2 (part), 1987).

22.98.010 Purpose. The purpose of this chapter is to establish a procedure to accomplish the following:

(a) Identification and legalization of existing second units through permit procedures which mitigate negative neighborhood impacts in order to insure healthy and safe living environments;

(b) Development of new second units through use permit procedures which set forth conditions that mitigate neighborhood and environmental impacts. (Ord. 2935 § 2 (part), 1987).

22.98.020 Application. The provisions of this chpater shall apply to single-family zoning districts including, but not limited to, R-1, R-A, R-R, R-E, RSP, C-R-1, C-RSP, C-RSPS, A-2-B, and A-RP 1-5 (parcels zoned one to five acres in size) in the unincorporated portion of the following census tracts: 1011, 1012, 1021, 1022, 1031, 1032, 1041, 1042, 1043, 1050, 1081, 1090, 1110, 1121, 1122, 1130, 1141, 1160, 1170, 1181, 1200, 1211, 1212, 1220, 1230, 1241, 1242, 1250, 1261, 1262, 1270, 1281, 1282, 1290, 1302, 1310, 1321, 1322 and 1330. Districts zoned A for agricultural uses and R-F for floating homes are not included. The required findings for the granting of a use permit contained in resolutions adopted by the board of supervisors for the communities of Bolinas, Tamalpais Valley/Homestead, Stinson Beach, Inverness, and Pt. Reyes shall remain in effect unless modified through procedures described in Section 22.98.022. Those communities shall otherwise be subject to provisions of this chapter. Owners of second units existing anywhere in the unincorporated portion of Marin County prior to the effective date of this chapter shall obtain a certificate of registration under Sections 22.98.050 through 22.98.054 if the planning department determines that the second unit has a legal, nonconforming status. Owners of second units existing anywhere in the unincorporated portion of Marin County prior to the effective date of this chapter shall obtain a use permit under Sections 22.98.070 through 22.98.072 if the planning department determines that the second unit has a nonconforming status. (Ord. 2935 § 2 (part), 1987).

22.98.021 Procedure for neighborhood inclusion. The board of supervisors may initiate hearings to include any portion of the unincorporated part on Marin County under this chapter. Residents of any unincorporated area of Marin County may petition the board of supervisors to initiate hearings to consider their neighborhood for inclusion under this chapter. The board of supervisors may, by resolution, set out, describe and designate the

proposed area. The board of supervisors shall refer such a resolution to the planning commission for a public hearing and recommendation.

a. The planning commission shall conduct at least one public hearing on the proposal in the manner provided by law for the adoption of general plans. At the conclusion of the hearing(s), the planning commission shall forward its findings and recommendation to the board of supervisors.

b. The board of supervisors shall conduct at least one public hearing thereon, and may at the conclusion of the hearings, declare by resolutions the establishment of the area or areas in which second units may be permitted under the provisions of this chapter. (Ord. 2935 § 2 (part), 1987).

22.98.022 **Modification of required findings.** The findings set forth in Sections 22.98.071 and 22.98.091, with the exception of findings (c), (f), and (g) of Section 22.98.071 and findings (c), (e), and (f) of Section 22.98.091, may be modified or omitted by resolutions adopted by the board of supervisors for individual communities or neighborhoods in the unincorporated area. Representatives of a community or neighborhood may petition the board of supervisors to adopt a resolution which modifies the required findings of Sections 22.98.071 and 22.98.091. Upon acceptance of this petition, the board of supervisors shall refer the petition to the planning commission for a recommendation. This section shall not be construed to allow a community or neighborhood to draft required findings which preclude second units. (Ord. 2954 § 2, 1987; Ord. 2935 § 2 (part), 1987).

22.98.030 **Definitions.** As used in this chapter, the following words shall have the following meanings:

a. Residential Second Units. The term "residential second unit" or "second unit" means one additional dwelling unit, designed to be a permanent residence, on any one lot or parcel within district of one-family dwellings. The primary criterion for defining a second unit shall be the existence of separate food preparation facilities which may include, but are not limited to, a stove, oven, hot plate, refrigerator or sink. For purposes of review and approval, a second unit shall also have both a separate bathroom and separate entrance intended for the use of the occupants. A second unit may be rented but shall not be sold separately from the one-family dwelling. A second unit may be established by:

1. The revision of a single-family unit whereby food preparation facilities are not shared in common;

2. The conversion of an attic, basement, garage, or other previously uninhabited portion of a single-family unit;

3. The addition of a separate unit onto the existing single-family unit; or

4. The conversion or construction of a separate structure on the lot or parcel in addition to the existing single-family unit.

b. Use permits. Use permits referred to in this chapter are granted to

allow the continued use of existing residential second units and the development and use of new residential second units subject to all of the requirements and provisions of Chapter 22.88.

c. Certification of Registration. A certificate of registration granted pursuant to Section 22.98.050 shall mean that the second unit is a legal nonconforming use which meets the requirements of this title.

d. Single-family Residential Zoning District. A "single-family residential zoning distirct" is a zoning district listed in Title 22 which allows only one-family dwellings as a primary permitted use to the exclusion of two family dwellings or multiple family dwellings. Such zoning districts include, but are not limited to, R-1, R-A, R-R, R-E, RSP, C-R-1, C-RSP, C-RSPS, A-2-B, and A-RP 1-5 (parcels zoned one to five acres in size). Districts zoned A for agricultural uses, other than those listed above, and R-F for floating homes are not included in this definition.

e. Nonconforming Second Unit. "Nonconforming second unit" is a second unit which has been constructed and located on a parcel of land in a manner which does not conform to the regulations for the district in which it is situated.

f. Legal Nonconforming Second Unit. "Legal nonconforming second unit" is a second unit which currently does not conform to the regulations for the district in which it is situated but did conform at the time it was constructed or erected.

g. Floor Area Ratio. "Floor area ratio" or "F.A.R." means the floor area of the building or buildings on a lot, divided by the area of that lot. For the purpose of determining the allowable floor area of a lot where a floor area regulation is applicable, the "floor area" is the sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior faces of the exterior walls and shall exclude the following: all unenclosed horizontal surfaces such as balconies, courts, decks, porches, terraces; any detached structures not designed for and/or used for sleeping purposes and which are accessory to a dwelling on the same lot; spaces permanently allocated for automobile parking. (Section 22.02.285). (Ord. 2935 § 2 (part), 1987).

22.98.050 **Registration of existing legal nonconforming residential second units.** a. Registration. At any time following the application of this chapter, the owner of each existing second unit which was constructed in conformity with law and which has become legally nonconforming by reason of later enactment of zoning ordinances, rules or regulations, may register the unit with the planning department. Nonregistration of these units does not change their legal nonconforming status.

b. Application for Registration. The application for registration shall be made by the owner in writing and shall contain the following:

1. The name(s) of the owner(s);
2. The address of the unit;
3. The assessor's parcel number;
4. The floor space of the primary and second unit;
5. A scale drawing showing the lot dimensions, the location of the primary and second unit, and the location of all vehicular parking;
6. By attachment, evidence of the date of the establishment of the unit, if feasible;
7. By attachment, evidence continuous use as a second unit for six months or more prior to application for registration;
8. Description and location of water and sanitary services (septic or sewer).
9. Signature under penalty of perjury;
10. Any other information required by the planning director for a proper review of the application. (Ord. 2935 § 2 (part), 1987).

22.98.051 **Issuance of certificates of registration.** In order to grant a certificate of registration, the planning director shall make the following findings based on currently adopted provisions of Marin County Code:

a. The structure to be registered shall meet Uniform Housing Code Standards;

b. The lot or parcel on which second unit is located must have a minimum of one off-street parking space assigned to a studio or one-bedroom second unit or two off-street parking spaces assigned to a two-or-more-bedroom second unit.

In addition, certificates of registration may be issued with such conditions that the planning director determines are required in order to permit the mandatory findings to be established. (Ord. 2935 § 2 (part), 1987).

22.98.052 **Expiration date of certificates of registration.** The certificates of registration shall have no expiration date unless, due to specific findings, the planning director determines that the protection of property and public welfare require a specific review date. (Ord. 2935 § 2 (part), 1987).

22.98.053 **Building permits.** A building permit shall be required in conjunction with the issuance of a certificate of registration under Section 22.98.051 only if the structure was previously constructed without benefit of a building permit and/or if repair or rehabilitation work is necessary pursuant to Section 22.98.051(a). (Ord. 2935 § 2 (part), 1987).

22.98.054 **Replacement of legal nonconforming residential second units.** A legal nonconforming second unit is subject to the provisions of Chapter 22.78. Such a unit may not be enlarged, extended, reconstructed, structurally altered, or moved unless such use is changed to a use permitted under

the regulations of Title 22. If a nonconforming use is damaged to the extent of seventy-five percent of its fair market value, as determined by the county assessor, a replacement unit must conform to the requirements of Section 22.98.090. (Ord. 2935 § 2 (part), 1987).

22.98.070 **Use permits for legalizing all other existing residential second units.** a. Use permit. Subsequent to the adoption of the resolution permitting second units in unincorporated areas of Marin County, the owner of each existing second unit which was not constructed in conformity with law or was constructed subsequent to the enactment of the zoning ordinance in 1938 (and did not subsequently become a legal, nonconforming use) shall apply to the zoning administrator for a use permit.

b. Applications for Use Permits. The application for a use permit shall be made by the owner in writing and shall contain the following, in addition to all requirements of Chapter 22.88.

1. The name(s) of the owner(s);
2. The address of the unit;
3. The assessor's parcel number;
4. The floor space of the primary and second unit;
5. A scale drawing showing the lot dimensions, the location of the primary and second unit, and the location of all vehicular parking;
6. By attachment, evidence of the date of establishment of the second unit, if feasible;
7. The consent of the applicant to the physical inspection of the premises prior to the issuance of the use permit;
8. Description and location of water and sanitary services (septic or sewer);
9. Signature under penalty of perjury;
10. Any other information required by the planning director for a proper review of the application. (Ord. 2935 § 2 (part), 1987).

22.98.071 **Grant of use permit – Required findings.** In order to grant a use permit for a second unit existing prior to the effective date of this section, the following findings shall be made by the zoning administrator, planning director, planning commission or board of supervisors:

a. The second unit is located on the same lot or parcel on which the owner of record maintains his principal residence;

b. The second unit meets all current property development standards of Title 22, for a dwelling unit of the residential zoning district in which it is located;

c. The second unit meets, at a minimum the Uniform Housing Code as adopted by the county;

d. The second unit is the only additional dwelling unit on the parcel;

e. The lot or parcel on which the second unit is located must have a minimum of one off-street parking space assigned to a studio or one-bedroom second unit or two off-street parking spaces assigned to a two-or-more-bedroom second unit;

f. Adequate sanitary services will be provided for the additional increment of effluent resulting from the second unit in accordance with state and county regulations;

g. An adequate amount of water and quality of water will be provided for the second unit in accordance with state and county regulations;

h. The second unit meets all standards for its location set by the applicable community plan or resolutions adopted by the board of supervisors. (Ord. 2935 § 2 (part), 1987).

22.98.072 **Building permits.** A building permit shall be required in conjunction with the issuance of a use permit under Section 22.98.071 if the second unit was created without benefit of a building permit, or if repair or rehabilitation work was performed to convert the original structure as permitted, or if repair or rehabilitation work is necessary pursuant to Section 22.98.071(c). (Ord. 2935 § 2 (part), 1987).

22.98.090 **Use permits for new residential second units.** a. Use Permits. A second unit to be completed subsequent to the effective date of this section shall apply to the zoning administrator for a use permit.

b. Applications for Use Permits. An application for a use permit for a new second unit shall be made by the owner in writing and shall contain the following, in addition to all requirements of Chapter 22.88.

1. The name(s) of the owner(s);
2. The address of the unit;
3. The assessor's parcel number;
4. The floor space of the primary and second unit;
5. A scale drawing showing the lot dimensions, the location of the primary and second unit, and the location of all vehicular parking;
6. The consent of the applicant to the physical inspection of the premises in order to ensure compliance with the conditions of the use permit and building permit;
7. Description and location of water and sanitary services (septic or sewer);
8. An applicant-signed declaration that the application for the second unit is not in conflict with existing conditions, covenants, and restrictions (C, C & R's) applicable to the title of the subject property;
9. Any other information required by the planning director for a proper review of the application.

A new second unit will be subject to the standards and provisions of Chapter 22.82 but a separate design review application shall not be required. (Ord. 2935 § 2 (part), 1987).

22.98.091 **Grant of use permit – Required findings.** In order to grant a use permit for a new residential second unit to be built subsequent to the effective date of this chapter, the following findings shall be made by the zoning administrator, planning director, planning commission or the board of supervisors:

a. The second unit is located on the same lot or parcel on which the owner of record maintains his principal residence;

b. The second unit meets all current property development standards of Title 22, for a dwelling unit of the residential zoning district in which it is located;

c. The second unit meets all current applicable building codes adopted by the county;

d. The second unit is the only additional dwelling unit on the parcel;

e. Adequate sanitary services will be provided for the additional increment of effluent resulting from the second unit in accordance with state and county regulations;

f. An adequate amount of water and quality of water will be provided for the second unit in accordance with state and county regulations;

g. The second unit will not be located on a parcel that is subject to environmental or public safety hazards such as flooding, unstable soils, or excessive traffic;

h. The lot or parcel on which this proposed second unit is to be located meets the minimum building site area requirements of the zoning district in which it is located. The slope ordinance shall apply in determining the minimum size of the parcel where appropriate;

i. The addition of a second unit maintains the scale of adjoining residences and blends into existing neighborhoods by use of building forms, height, materials, color and landscaping appropriate to that setting;

j. The second unit meets all standards for its location set by the applicable community plan or resolutions adopted by the board of supervisors;

k. The floor area of the primary and second unit combined shall not exceed the floor area ratio of the particular residential district in which the parcel is located, and in no circumstance shall the floor area of the second unit exceed seven hundred fifty square feet;

l. The parcel should accommodate two off-street parking spaces for occupants of the second unit in addition to the two off-street parking spaces required for the primary dwelling unit. The number of off-street parking spaces required may be reduced to one if the second unit is a studio or one-bedroom unit, and/or a determination is made that adequate parking, either on-street or off-street, exists nearby. The off-street parking spaces may be tandem. Special consideration shall be given to maintenance of landscaped areas to provide adequate parking and landscaped areas;

m. The street upon which the parcel fronts shall have the minimum width necessary to allow the safe passage of emergency vehicles: for streets

along which parking is prohibited on both sides, the minimum width shall be twelve feet. For streets along which parking is permitted on one side, the minimum width shall be eighteen feet. For streets along which parking is permitted on both sides, the minimum width shall be twenty-four feet. For privately maintained streets, the minimum width shall be eighteen feet. (Ord. 2935 § 2 (part), 1987).

22.98.092 Building permits. A building permit shall be required in conjunction with the issuance of a use permit under Section 22.98.090. (Ord. 2935 § 2 (part), 1987).

22.98.110 Review date – Use permits for residential second units. Use permits granted pursuant to Chapter 22.98 shall be reviewed once within two years but not thereafter. Noncompliance with conditions of the use permit shall be handled in accordance with the provisions of Chapter 22.88. (Ord. 2935 § 2 (part), 1987).

22.98.115 Recordation of certificates of registration and use permits. Any certificate of registration or use permit granted under provisions of this chapter shall be recorded in the county recorder's office as an informational document in reference to the title of the subject property. (Ord. 2935 § 2 (part), 1987).

22.98.120 Existing nonconforming units – Violations. Existing nonconforming second units which are not permitted through application of this chapter shall constitute violation of Title 22, and shall be subject to abatement as described in Chapter 22.06. (Ord. 2935 § 2 (part), 1987).

22.98.130 Enforcement and penalties. Failure to comply with any provision of this chapter shall constitute a violation of this chapter, and any condition permitted to exist in violation of this chapter shall be subject to provisions of Chapter 22.06. (Ord. 2935 § 2 (part), 1987).

22.98.150 Appeals. Any person aggrieved by any action involving the grant, denial, suspension, or revocation of a use permit or certificate of registration may appeal such determination in accordance with Chapter 22.89. (Ord. 2935 § 2 (part), 1987).

22.98.160 Annual report. The county planning department shall prepare an annual report to the planning commission and board of supervisors on the status of the second unit ordinance. The report shall include information about the number, size, type and rent, as available, of each second unit by neighborhood. The report shall provide a basis for an annual evaluation of the effectiveness of this chapter. (Ord. 2935 § 2 (part), 1987).